

32nd MEETING

19-20 OCTOBER 2000

23-33 MARY STREET
SURRY HILLS. NSW

PRESENT: Ms Barbara Biggins (Convenor)
Mr Jonathan O'Dea (Deputy Convenor)
Ms Joan Yardley
Ms Glenda Banks
Ms Robin Harvey
Mr Ross Tzannes

APPLICANT Arena Film Pty Ltd

BUSINESS: To review the decision of the Classification Board to assign the classification "R 18+" under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *The Monkey's Mask*, with the consumer advice "Medium level sex scenes"

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *The Monkey's Mask* "R 18+", but to vary the consumer advice to "Adult 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. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 3 of the Table under the heading "films" provides that films (except RC films and X films) that are unsuitable for a minor to see should be classified R.

3. Procedure

- 3.1 Six members of the Review Board viewed the film *The Monkey's Mask* at its meeting of 23 July 1999.
- 3.2 The Review Board heard oral submissions from Mr John Maynard and Mr Robert Connolly representing the applicant.

4. Matters taken into account

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

- (a) the applicant's Application for Review
- (b) the film *The Monkey's Mask*
- (c) the relevant provisions in the Act
- (d) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act.
- (e) the current Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

5. Findings on material questions of fact

The plot

- 5.1 Private investigator Jill is drawn into a lesbian relationship with college English professor Di during the course of Jill's investigation into the murder of young female student Mickey who frequented the café-poetry scene. The murderer is eventually identified.

The sex scenes and themes

- 5.2 The Review Board considered the themes and scenes cited by the Classification Board as leading to an R18+ classification. These included the scenes at 51 and 79 mins. In the first of these, Diana and Jill are naked with Diana lying on top of Jill. She tells Jill her "throat ... is gorgeous ... your throat is state of the art". In a reference to Mickey's death, Di then says, "Do you want to see what it was like?" Diana tightens her fingers around Jill's throat and a closeup is briefly shown of Diana's fingers on the front of her throat. Jill implicitly climaxes. Diana then asks Jill if she liked it, and Jill replies that she can't remember.

In the second scene at 79 mins, Jill meets Diana's husband at the beach. He puts his hands down her jeans, and there is a brief shot of his penis. He puts his thumb on her neck. Jill tells him that this is how he killed Mickey, and he says that his wife "came" as she watched. This conversation is taped and provides evidence as to the identity of the murderer.

In the following scene (80-81mins) Jill, in her car, talks about visiting Mickey's mother. Jill says "... she wasn't murdered, it was sex play that went wrong ... I'll tell her that strangulation orgasm is a lot safer between girls..."

- 5.3 The Review Board found that the scene of sexual activity at 79 mins was such as could be accommodated in the MA category.
- 5.4 However, the Review Board found that the overall treatment of the adult theme (the fetish behaviour of orgasm by asphyxiation) had a high degree of intensity, and that its treatment was not discreet (ie failed to have little or no detail and was not brief).

Further the Review board found that the film dealt with issues that required an adult perspective, and was therefore appropriately classified “R 18+”, with the consumer advice “Adult themes”.

6. Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film *The Monkey's Mask* "R 18+", with the consumer advice "Adult themes," on the content and impact of the film as set out in 5.2 and 5.4 above.
- 6.2 The Review Board considered that the treatment and depiction of the sex scene at 79 mins was such that the sexual activity was implied and the brief shot of the penis was not exploitative, and could be accommodated at the MA15+ level.
- 6.3 The Review Board considered that the sexual fetish of orgasm by asphyxiation was a pervasive theme in the film. It was clearly depicted in the scene at 51mins). It was the cause of the death of Mickey. It was reflected in Mickey's poetry (as seen on the video of her last poetry reading: "... knee in my throat" 49mins). The theme was reinforced, and the fetish behaviour, to some extent commended, by Jill's comments (at 81mins) that "... strangulation orgasm is a lot safer between girls".

The Review Board took the view that this theme is one with a high degree of intensity and that its treatment was not discreet.

- 6.4 Further, the Review Board took the view that the fetish of strangulation orgasm involves dangerous behaviour that carries with it a significant mortality rate. The Review Board found that the film could have appeal to adolescent girls, who might identify with the life style of the attractive, arty, rebellious Mickey who frequented trendy poetry cafes. This age group would be unlikely to have a significant understanding of the implications of the practice of asphyxiation in a sexual context and would therefore be more likely to imitate it.

The Review Board concluded that the film dealt with issues and depictions which required an adult perspective and was therefore appropriately classified “R18+”.

- 6.5 The applicant argued in part that:
- a) the film was aimed at a narrow but large and sophisticated audience.
 - b) the film was about sex play gone wrong, and the elements were acceptable within the context of the film. The elements were treated sufficiently discreetly to be suitable for viewers 15 years and above
 - c) The Review Board should take into account the matters in section 11 of the Act, viz literary or artistic merit of the film ... the general character of the film ... and the persons ... among whom it is to be published.... The film had high production values; a stellar cast and was based on a work of contemporary cultural significance, and was pitched at a mature audience, but did not require an adult perspective.
 - d) The classification of the film as “R18+” meant that the trailers for the film could not be directed to the intended audience.
- 6.6 The Review Board took the view that :
- a) the film would have appeal to an adolescent female audience (see 6.4 above)
 - b) the theme was not treated discreetly and was potentially harmful to those under the age of 18 years
 - c) the film is appropriately classified R18+ notwithstanding the matters cited in section 11 of the Act.
 - d) This matter is not one which the Review Board can take into account.
- 6.7 The Review Board concluded that the film is appropriately classified “R18+”. The consumer advice of “Adult themes” is applied having regard to the content described in 6.3 and 6.4 above.

7. Summary

- 7.1 The Review Board's decision is to confirm the decision of the Classification Board to classify the film *The Monkey's Mask* "R 18+", with the consumer advice "Adult themes".

This decision is taken after full consideration of the applicant's submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Classification Guidelines for Films and Videotapes* determined under section 12 of the Act.

Barbara Biggins
Convenor