



CLASSIFICATION REVIEW BOARD

43rd MEETING

15 March 2002

**23-33 MARY STREET
SURRY HILLS, NSW**

MEMBERS:

Ms Maureen Shelley (Convenor),
Dr Robin Harvey
Ms Kathryn Smith

APPLICANT Universal International Pictures Pty Limited
(Mr Michael Selwyn)

BUSINESS:

To review the decision of the Classification Board to classify *ET - The Extra - Terrestrial* (The 20th Anniversary) (the film) PG with the Consumer Advice Medium Level Coarse Language, Supernatural Themes

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Board) decided to classify the film PG with the consumer advice “Some scenes may disturb small children”.

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 (the Code) and the classification guidelines (the Guidelines).

3. Procedure

Three members of the Board were empanelled and viewed the film at the Board's meeting on 15 March 2002.

The Board received written application for review and a supporting statement from UIP. An oral submission from Mr Selwyn, managing director of UIP, was heard.

The Board then met in camera to consider the matter.

4. Matters taken into account

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

- (i) The applicant's Application for Review (including oral and written submissions).
- (ii) The relevant provisions in the Act
- (iii) The relevant provisions in the *National Classification Code* as amended in accordance with Section 6 of the Act.
- (iv) The *Guidelines for the Classification of Films and Videotapes* determined under Section 12 of the Act.

5 Findings on material questions of fact

The film is a science fiction story of an alien being left on Earth by mistake. It befriends a young boy (Elliott) who hides it from his mother in a wardrobe. Elliott and the alien communicate through mime, telepathic connection and eventually speech. Elliott learns that ET, the alien, wants to go back to its kind and helps it to "call" its ship.

Elliott is the middle child in a family where the parents have recently separated. His father is absent throughout the film and is referred to as being on holidays with his girlfriend in Mexico. The separation causes some distress to Elliott's mother as evidenced by her tears and stilted behaviour when the matter is discussed, and by Elliott's older brother becoming angry and shouting at him when Elliott raises the matter. There are a number of scenes in the film where Elliott and his brother discuss the absence of their father and their sadness is communicated to the audience.

The alien's presence on Earth is known to the authorities who attempt to find it and track it to Elliott's home. The search involves men looking in the woods by night using torches. These scenes are somewhat scary as it is dark, there are night noises and the men are shown from the waist down - anonymous and therefore an unknown quantity - with large purposeful booted feet and with keys that jingle. Very little dialogue is used in these scenes and the men are not named. ET is shown running and hiding from these men in an upset state.

Later the men are shown in black vans or unmarked cars patrolling the street near Elliott's house using listening devices to determine ET's presence. They confirm ET is hidden at Elliott's home and keep the house and family members under surveillance.

Elliott introduces ET to his teenage brother (Mike) and pre-school aged sister (Gertie). Gertie teaches ET to speak with the help of television. Mike and Gertie are sworn to secrecy and help Elliott to keep ET's presence from their mother. Gertie is made to keep ET's presence a secret from her mother by her brothers who threaten to decapitate her favourite doll if she tells. There are a number of humorous and scary scenes shown which depict ET coming to understand "Earth life". ET is shown appearing to drown in the bath while Elliott is talking on the phone to his mother. In another scene ET becomes drunk and causes havoc in the house. ET and Elliott are shown to gradually become unwell during the film.

During Halloween, Elliott helps ET to set up a device for "phoning" its ship. Elliott spends all night on the mountain but loses sight of ET. Elliott goes home where his mother is talking to a police officer reporting Elliott as missing. Mike escapes from surveillance and discovers ET barely alive in a creek bed. ET has turned from a brown colour to a sickly white. Mike takes his mother to see Elliott and ET in an upstairs bathroom in their home. Elliott says to his mother: "We think we're dying, Mum." The mother's reaction is to remove the children from ET's presence.

The house is invaded by the anonymous men who appear at every door and window. The mother screams and attempts to get the children away. The men are faceless due to the helmets they wear and appear in formation like an invading army.

The men, who are soon identified as being from the US Government, shroud the house in plastic, installing a plastic tunnel to its doors. All the government personnel wear spacesuits and appear threatening and quite alien themselves. The house is surrounded by police cars, equipment is brought to the house turning it into something like a hospital or laboratory.

ET and Elliott are together in a room with monitors attached under the supervision of government scientists. ET appears to be dying. Elliott appears to be dying in sympathy with him. Then ET breaks the bond which causes them to feel the same processes and ET "dies" and Elliott becomes well. Elliott says: "He must be dead because I don't know how to feel any more."

After a variety of dramatic techniques the boys and ET escape and ET is reunited with its ship and Elliott and his family take part in an emotional farewell to the creature. This escape is uplifting and the boys outwit the authorities and Elliott's mother to achieve ET's escape. The children do have, in this sequence, some agency or control over the events. Their abilities with what would now be called mountain bikes assists them in the escape as does ET's powers to levitate several boys and their bicycles.

The film begins with a completely black screen and then the graphics of ET appear slashed across the screen. The film uses a variety of techniques to introduce uncertainty and a feeling of lack of control over events that Elliott and his family experience to the full later in the film. Most of the film action takes place at night. The scenes are dark and accompanied by night noises such as trees rustling, owls hooting, dogs howling. The music is used dramatically to enhance each scene and induces intense emotions including a feeling of "spookiness" or eeriness, fear,

sadness, delight and awe. The sound techniques include a considerable amount of screaming from Elliott, Gertie, the mother and minor characters.

The film contains some coarse language including at 12.57 minutes when Mike calls someone a “douche bag” and the mother hits Mike on the head with her open hand. At 18.00 minutes Elliott uses the term “penis breath” and the mother laughs. At 43.00 some boys are telling an old joke and refer to a planet as “your anus”. At 58.20 Mike says: “What’s all this shit?” At 1.37.17 to 1.38.05 the phrases “shut up” and “son of a bitch” are used.

The film addresses some complex issues including family separation with the father absent, a discussion around ET being either “a deformed kid” or a subject that the authorities want “to do a lobotomy on”, the telepathic or psychic connection between Elliott and ET which nearly brings about Elliott’s death and that ET to some extent “controls” Elliott with its thoughts (in a scene at Elliott’s school he performs a dance routine in mirror to that which ET is watching on television - Elliott kisses a girl as does the male dancer does on the screen that ET is watching). Elliott has to confront his parent’s marital difficulties and separation, injury and presumed death, loss of a friend as well as make some sense of an alien on Earth and the menacing actions of the government authorities.

6. Reasons for the Decision

The Guidelines state “The PG classification signals to parents that material in this category contains depictions or references which could be confusing or upsetting to children without adult guidance. Material classified PG will not be harmful or disturbing to children.”

It was the Board’s conclusion that the Classification Board had been correct in its classification of the film as PG. The Board did so on the basis of adult themes rather than medium level coarse language and supernatural themes.

Coarse Language

The Board considered the use of coarse language in the film. It was considered that most Australian’s would not be familiar with the term “douche bag” as an expletive and as a result would not recognise it when used in the film (at 12.57 minutes) and would therefore not find it offensive. The use of words like “penis breath” or “bitch” were within a context such that the Board believed could be accommodated in a G rating. The single use of the word “shit” would not be sufficient to warrant a PG rating on its own. The use of coarse language was not considered gratuitous. When making this determination the Board considered the way in which it was used, by whom it was used and the frequency of the use of coarse language in the film.

Supernatural Themes

The Board used a dictionary definition of supernatural which states “that which cannot be explained by science”. It was the Board’s view that aliens or has been considered/discussed by scientists for many years and there is widespread belief within the scientific community - as can be demonstrated by a cursory examination of the internet - that extra-terrestrial life is possible. This concept has wide publication

and would be generally understood by most children through nursery rhyme, fable and cartoon - as evidenced by Gertie's statement; "He's the man from the moon". On this basis it is the Board's view that the film does not fit within the generally accepted understanding of "supernatural themes".

Sex, nudity, drug use

The Board saw no evidence of these issues in this film. Only the alien appeared "nude" and as there was no appearance of recognisable genitalia or mammary organs thus appeared no more "nude" than a frog or lizard. The one scene when ET/Elliott get drunk on beer is not what would be considered as a depiction of proscribed drug use.

Violence

The film is quite "black" in appearance and tone and there is menace from the "authorities" which is implied and dramatised. The search for ET, invasion of Elliott's house by the "faceless men" and their constant surveillance of the family and the beginning of the "pursuit" scene for ET at the end of the film was considered to be unsettling and potentially scary for young children. Also the scene of Elliott and ET in the "hospital suite" at the end of the film which reaches a climax when Elliott screams: "You're killing him" would be quite upsetting to young children. However, the Board considered most of this action more in the area of "adult themes" rather than violence.

The brothers' bullying of Gertie and the mother's open handed slap across the head of Mike were considered.

It was the view of one member of the board that the bullying was of a low level and was not such that would upset or harm children and that this type of behaviour was consistent with what many children experience with their siblings. It was remarked that a blow to the head by a parent may contravene New South Wales laws' but this would not necessarily be the case in other States. The incident was light in tone and the hit was made more in jest than with any aggressive intent. These two isolated incidents were considered very mild in impact. The violence alone in the film was not such as would warrant a PG rating.

Adult themes

The Guidelines provide a glossary of terms. That for "Adult Themes" states "Issues dealing with aspects of adult life that are potentially harmful to minors, or disturbing. Adult themes may include verbal references to and depictions associated with issues such as suicide, crime, corruption, marital problems, emotional trauma, drug and alcohol dependency, death and serious illness, racism, religious issues"

The Board believed that ET introduced the adult themes of marital problems. Elliott's mother tells the police officer: "my husband and I are separated and it hasn't been easy on the children" at 1.14.20. This statement is supported earlier in the film when Mike becomes angry with Elliott (at 19.40) when the mother suggests he calls his father but she is told: the father "is in Mexico with Sally" so Elliott can't call him. The mother cries and takes some time to regain her composure. Elliott, Gertie and Mike are all visibly upset in the scene. Another scene shows the boys talking with

each other in the garage. Their sadness about the absence of their father is communicated to the audience.

The whole “hospital scene” with Elliott/ET was such as to be likely to upset young children. ET looks like he is dying, there is extensive hospital paraphernalia, Elliott has no control over the situation (nor does his mother), the government personnel are faceless professionals carrying out complex tasks which Elliott doesn’t consider are in ET’s best interests (“Leave him alone. You’re killing him”). For a time it appears that Elliott might die along with ET. The mother is in tears as is Gertie. Mike is visibly upset and at 1.29.20 is poignantly depicted sitting alone in a cupboard. Et “dies” and is placed in a body bag. Elliott is very upset by ET’s “death”.

In much of the film, the children are shown having to deal with quite complex issues without adult support. The mother provides some support for Gertie but generally provides little to Mike or Elliott. The father is absent and no other authority figures are present giving the children support until nearly the end of the film when one of the “faceless men” is named and takes off his helmet.

Generally the treatment of the adult themes was “discreet and mild in impact” but would warrant parental support or guidance - especially to children younger than lower primary school age.

The Applicant’s submission

The Applicant in its submission requested review of the Classification Board’s decision because “it is our contention that this decision is a) not in accordance with the matters to be considered in classification as set out in Section 11 of the Classification (Publications, Film and Computer Games) Act 1995 and b) likely to cause damage to the classification process within Australia.

The Board considered Section 11 of the Act. Section 11 states “the matters to be taken into account in making a decision on the classification of a publication, a film or a 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 computer game; and
- (c) the general character of the publication, film or computer game, including whether it is of 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 Board felt that the standards of morality depicted in the film etc would generally be acceptable to most people. The film is an attractive and appealing film which is generally loved by the Australian mainstream film-going public.

The applicant's view that the film was well accepted by the Australian public and its classification at G had not prompted a reaction from the public was considered.

It was felt that the Australian public would not be aware of the specific detail of the Act, Code and Guidelines. Any perceived lack of complaint would not necessarily be that the community agreed that a G classification was appropriate or otherwise. The public would be unaware, generally, of the requirements for classification.

The Board did not consider that its literary, artistic or educational merit was such that would warrant a departure from a PG classification.

The general character of the film is as a science fiction piece of entertainment aimed at pre-teens. As such the Board did not consider that the Classification Board had erred in so classifying the film. That the film was originally released 20 years ago and has been widely viewed does not mean that either the Classification Board or the Board can sidestep their obligations to examine the film on its merits against the Act, Code and Guidelines as they are today. Both the Board and the Classification Board are required under Section 9 of the Act to classify films "in accordance with the Code and the classification guidelines".

As the film contains new material, it must be classified under the classification process as set out in the Act, Code and Guidelines.

The applicant referred to the film having been classified G on three separate occasions and as recently as 1997 and tendered a classification database advanced search as evidence of this. A reference to the Office of Film and Literature Classification files showed that the film and videotape had been approved under the "identity" provisions. That is, that in the opinion of the classifier, there was no new material (apart from an interview before the film) and therefore the (then) existing classification applied.

As has been widely advertised, this version of the film does contain additional material and as such is required to be classified - from the beginning as if it is a new film being classified for the first time.

The Board considered the second of the reasons given by the applicant as grounds to overturn the Classification Board's decision. The applicant stated that the decision was likely to cause damage to the classification process in Australia. The applicant states: "Initial reports of the new classification for ET have raised many questions about the wisdom of the OFLC decision to re-classify the film. Many comments have been made about the fact that this decision seems to suggest that community standards are less tolerant than they were 20 years ago. Whilst it is certain that, in some areas, modern thinking may be better attuned to the needs of the community, we suggest that to apply this argument to one of the much-loved classics of modern cinema serves no purpose."

The Act provides provision for the review of classification decisions and it is expected - if such review powers exist - that on occasion an original classification will be changed. There is no damage envisaged to the classification process in such a review taking place.

The Board did not consider whether any change in community attitudes has taken place or has not. The Board's role is to apply the Act, Code and Guidelines in reaching decisions. The decision of the Board to classify the film PG was unanimous.

7. Summary

The Board decision is to confirm the decision of the Classification Board to classify ET - The Extra - Terrestrial (The 20th Anniversary) PG - parental guidance recommended but to vary the Consumer Advice to Some Scenes May Disturb Small Children.

The Board considered that there are depictions or references which could be confusing or upsetting to young children without parental guidance.

Although the resolution of the film is positive, the children face difficult and complex situations without adult support or a sense of control. From a child's perspective, there are several scenes in the film which are menacing.

The decision is taken after full consideration of the Applicant's submission, and after considering the film against the relevant legislative criteria, including the Code and the Guidelines for the Classification of Films and Videotapes as determined under Section 12 of the Act.

A handwritten signature in black ink, appearing to read 'Maureen Shelley', written in a cursive style.

Maureen Shelley
Convenor

12 April 2002