

38th MEETING

18 MAY 2001

23-33 MARY STREET

SURRY HILLS NSW

PRESENT: Ms Barbara Biggins (Convenor)
Mr Jonathan O'Dea (Deputy Convenor)
Ms Glenda Banks

APPLICANT: Buena Vista International (Australia) Pty Ltd

BUSINESS: To review the decision of the Classification Board to assign the classification MA15+ under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Captain Corelli's Mandolin* with the consumer advice "Medium Level Violence."

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Captain Corelli's Mandolin* MA 15+, but to vary the consumer advice to "Occasional Strong 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 11 of the Act provides that

“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 off 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

Section 9 of 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 4 of the Table under the heading "films" provides that films (except RC films, X films, and R 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 who are under 15, are to be classified MA. Para 5 of the Table provides that films ... that cannot be recommended for viewing by those under 15 are to be classified M.

3. Procedure

- 3.1 Three members of the Review Board viewed the film *Captain Corelli's Mandolin* at its meeting on 18 May 2001.
- 3.2 The Review Board heard representations from Mr Macek Rubetzki, solicitor, representing Buena Vista International (Australia) Pty Ltd. Mr Rubetzki also attended the screening of the film.

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) oral submissions made on behalf of the applicant
- (c) the film *Captain Corelli's Mandolin*
- (d) the relevant provisions in the Act, including Section 11.
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act.
- (f) 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 Captain Corelli and his Italian soldiers occupy a village on the Greek island of Cephallonia near the end of World War II. The townsfolk are antagonistic, but warm somewhat to the friendly singing soldiers. Pelagia, daughter of the town's doctor, falls in love with Corelli. The Italian soldiers join forces with the island's partisans as the war ends and the Germans turn on the Italians.

The content

- 5.2 The Review Board considered the content cited by the Classification Board as warranting an MA15+ classification. The Classification Board cited scenes of violence at 83 mins and at 94 mins, and adult themes involving the hanging of a young woman who befriends a German officer, and the killing of the mother of a young girl.
- 5.3 The Review Board found that

At 83 mins: four Italian soldiers are shot by the Germans, with bloody bullet wounds visible on the bodies as the camera circles around.

At 90mins: a young village woman is dragged away by the partisans with the words "she's a traitor and a whore". At 94 mins, there are several seconds of waist up visuals of the young woman hung from a tree by her neck.

From 94 to 100 mins, the Italian soldiers are unloaded from a truck by the Germans and lined up to be shot. The soldiers fall in slow motion clutching each other. The bodies with bullet holes are seen on the ground. The German officer (Corelli's friend, Captain Weber) shoots one survivor point blank in the head. In closeup, the blood is seen spurting as the bullet bursts his forehead. Bloodied bodies are seen on the ground as the partisans arrive and check that if any are alive. Closeups of Corelli's bloodied body are seen as he is taken to the doctor.

- 5.4 In considering these scenes, the Review Board found that the majority of them had high impact and were detailed, but not prolonged. The depictions were realistic. As such they cannot be accommodated in the M15+ category and the film is appropriately classified MA 15+.

6. Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the decision of the Classification Board to assign the classification MA15+ to the film *Captain Corelli's Mandolin* on the content of the film as set out in 5.3 above.

- 6.2 The Review Board found that the film contained scenes of violence as in 5.3 above, that contained detail, and which had a high impact. As such the film cannot be accommodated in the M15+ category.
- 6.3 The applicant argued, in relation to Section 11 of the Act, that:
- (a) the treatment of issues in the film conforms with the standards of morality, decency and propriety generally accepted in the community
 - (b) the film has artistic and educational merit
 - (c) the general character of the film is that of a love story told within the context of a strong anti-war and anti-supremacist theme
 - (d) the target audience is those young adults and others interested in romance and history.

and that if proper regard is given to Section 11 factors, then the depictions of violence and the exploration of adult themes in the film are such that the film deserves an M15+ classification.

- 6.4 The Review Board specifically considered the matters set out in Section 11 of the Act. The Review Board considered that these matters did not cause it to vary its assessment in the manner submitted by the applicant. Specifically the Review Board found no considerations of artistic or educational merit, or particular character of the film, or of the persons among whom it will be published, which would change this assessment.
- 6.5 Further, the Review Board concluded that the scenes of high impact were infrequent and were not prolonged or gratuitous, and therefore the film can be classified MA15+.
- 6.6 The Applicant argued in part that:
- a) the film deserves an M15+ classification
 - b) the film's portrayal of violence is unlikely to harm or disturb children
 - c) generally the film's depictions do not contain a lot of detail, and are not prolonged
- 6.7 The Review Board found that, in relation to
- a) and c) the scenes listed in 5.3 above did contain detail and the majority had high impact. The criteria under violence in the M15+ category require that "depictions of violence that contain detail should be infrequent, and not have a high impact and/or not be gratuitous."

- b) Scenes such as the young woman hanging by her neck, the implied shooting of the young girl's mother (105mins), and the massacre of the Italians by the Germans (94+mins) were such as to be harmful or disturbing to viewers under the age of 15 years to the extent that the film should be restricted to those 15 years and over.
- 6.8 Accordingly, the Review Board concluded that the film deals with issues and contains depictions which require a mature perspective, and is appropriately classified MA15+.
- 6.9 The Review Board's decision to vary the consumer advice to "Occasional Strong Violence" is taken having regard to the content described in 5.3 above.

7. **Conclusion**

The Review Board's decision is to confirm the decision of the Classification Board to classify the film and videotape *Captain Corelli's Mandolin* MA15+, but to vary the consumer advice to "Occasional Strong Violence".

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