



**Australian Government**  
**Classification Review Board**

29 September 2005

23-33 MARY STREET  
SURRY HILLS, NSW

**MEMBERS:** The Hon Trevor Griffin (Deputy Convenor)  
Mr Rob Shilkin  
Mr Anthony Hetrih

**APPLICANT:** Roadshow Films, original applicant for classification,  
represented by: Mr Brett Rosengarten (National Sales  
Manager).

**BUSINESS:** To review the Classification Board's decision to classify the  
film *A History of Violence* (the film) R 18+ with the consumer  
advice 'High level violence, Sex scenes'.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board (the Review Board) in a majority decision classified the film MA 15+, with the consumer advice 'Strong realistic violence, Strong sex scenes'.

**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 of the Act 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 4 of the Table under the heading 'Films' provides that:

Films (except RC films, X18+ films, R18+ 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+').

and

Films (except RC Films and X18+ films) that are unsuitable for a minor to see (are to be classified R18+).

The Code also sets out various principles to which classification decisions should give effect, as far as possible.

Section 11 of the Classification 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 *2005 Guidelines for the Classification of Films and Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context
- Assessing impact
- Six classifiable elements – themes, violence, sex, language, drug use and nudity.

### **3. Procedure**

The Review Board met on 29 September 2005 in response to the receipt of a valid application from the applicant, Roadshow Films, on 12 September 2005.

Three members of the Review Board viewed the film *A History of Violence* at the Board's meeting on 29 September 2005.

The Review Board then received an oral submission from Mr Brett Rosengarten representing the Applicant. This was provided in addition to a written submission.

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 Film's application for review;
- (ii) Roadshow Film's written and oral submissions;
- (iii) The film;
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act
- (vi) The Classification Board's report; and
- (vii) The *Guidelines for the Classification of Films and Computer Games*.

## **5 Synopsis**

Tom Stalls (Mortensen) is living a quiet life with his wife and their two children in the small town of Millbrook, Indiana. Their quiet family life is shattered when Tom foils an attempted robbery in his cafe. Faced with a serious threat to him and his staff by two men who have entered his cafe, he kills the two criminals.

Heralded as a hero by the national media, forcing him into the public spotlight, Tom's quiet life is changed overnight. Tom tries to return to the normalcy of his ordinary life only to be confronted by a mysterious man (Harris), who believes Tom is, in fact, Joey, a former criminal who has wronged him in the past.

Like father like son: A subplot depicts harassment and bullying of Tom's teenage son in school until he is forced to react with violence against the school bullies.

## **6 Findings on material questions of fact**

The Review Board found that the film contains aspects or scenes of importance, under various classifiable elements:

### **6.1 Violence**

The violence, in the majority's view, is strong in impact. It is infrequent and not relished or glamorised and is justified by context.

- At approximately five minutes a scene in the front office of a motel shows a young man (who later in the film enters Tom's café) entering the office, a man's dead body slumped in a chair, with blood on his face, and a woman is lying on the floor in a pool of blood. A young girl clutching a doll enters, whimpering. The young man puts his finger on his lips and says: "ssh", pulls a gun and points it at the girl and pulls the trigger, impliedly shooting her.
- At approximately 22 to 25 minutes, Tom is in his cafe with his staff and the two men from the motel enter and demand coffee. The younger man grabs the waitress and pushes her to the ground and is threatening. Sitting at the counter one man pulls a gun from his belt, Tom reacts swiftly by smashing a hot coffee pot in that man's face and then shoots both men. One falls back through a glass door (with some blood splatter) while the other, who is on the floor, stabs Tom in the foot. The latter is shot in the face and, in a brief post-action visual, flesh is shown hanging from his face with blood detail.
- At 48 minutes, the scene is a school corridor with students milling about. A bully taunts Tom's son, Jack – who is approximately 15, until Jack reacts by hitting the bully and his mate. The bully is on the ground and blood is shown flowing from his mouth and Jack has to be restrained by other students. The violence in the scene is no higher than strong.
- At around 55 minutes, a man called Fogarty arrives at Tom's farmhouse with two other men, holding Tom's son as hostage. These three men are part of Tom's brother's organised crime syndicate. Jack is released in substitution for Tom. As Tom is moving towards the three men and it seems as if he is about

to be held by one of the three. Tom reacts swiftly and appears to break the arm of that man and “open-hands” him in the face, breaking his nose with an audible “crack”. There is a brief post-action visual of a nose bloodied, which is depicted as pushed back into the face, with blood spurts. Tom shoots the second bodyguard. Shortly, Jack appears from the house with a shotgun and shoots Fogarty in the chest. Fogarty is depicted with a large and bloody wound and blood is shown splattering extensively over Tom.

- From approximately 84 to 87 minutes there is a scene where Tom is in his brother’s house. His brother is the leader of an organised crime syndicate. One male tries to strangle Tom from behind and, after a brief struggle, Tom manages to free himself. He shoots that male and steps on the neck of another assailant. Blood is shown spurting from that person’s mouth. After a search for Tom, he is found by his brother and a bodyguard. Tom shoots the bodyguard in the chest, blood spatter is depicted, and then Tom shoots his brother in the forehead. The brother is shown on the ground with blood pooling from his head.

## 6.2 Sex

There are two sex scenes where sexual activity is implied:

- At approximately 17 minutes, Edie enters the bedroom wearing a cheerleader’s outfit. She shows her underwear and then pulls off Tom’s belt. The pair fall on the bed as Tom removes Edie’s underwear and lifts up her skirt. He then puts his head between her legs and performs implied cunnilingus (obscured by Edie’s skirt) as Edie lays her head back. Edie then moves around and implicitly fellates Tom as he continues to perform obscured cunnilingus.
- At approximately 67 minutes, Tom and Edie argue. She physically fights with him in the stairwell until they fall over and begin to kiss. Tom pulls down Edie’s underwear and is shown buttock naked, thrusting into her. They are then depicted thrusting against the wall and kissing until they again move positions. Tom is shown thrusting into Edie for a little longer. Edie then kicks Tom off and walks up the stairs. This scene runs for approximately 2 minutes.

This latter scene seemed to start as a potentially non-consensual act and developed into clearly consensual sexual activity. The impact was strong but the whole Review Board concluded that these scenes can be accommodated within the MA15+ classification.

## 6.3 Drug use

- There is one scene depicting apparent drug use at approximately 20 minutes when a marijuana joint is shared by Jack’s girlfriend with him as they talk in the street.

## 6.4 Language

- At approximately 22 minutes in the scene in the cafe discussed above when the two men are threatening Tom and his staff there is some coarse language.
- At approximately 48 minutes in the scene where Tom's son is being bullied there is aggressive coarse language.
- At approximately 84 minutes, in the scene at Tom's brother's house there is a series involving coarse language, some aggressive. Such language can be accommodated in the MA15+ classification

## 6.5 Nudity

- The film contains some nudity particularly from approximately 68 to 70 minutes with Tom's bare buttocks shown. Later, Edie is shown with a bathrobe open full length at the front but with her breasts obscured. Both depictions are very brief.

## 7 Reasons for the decision

The Review Board was unanimous that the relevant classifiable elements for the purposes of determining whether the film should be classified MA15+ or R18+ were violence and sex.

The Guidelines state that the impact of material classified MA15+ should be no higher than strong.

In relation to **violence**, the Guidelines for MA15+ films states that "violence should be justified by context".

The majority view is that the violent scenes in the film both separately and together create an impact that is no higher than strong. The majority view was that:

- There are only three or four scenes of violence in the film. The violence is neither sustained nor constant throughout the film and there is significant respite for the audience.
- The scenes of "gore" (such as the depictions of flesh, blood splatter and a broken nose in the scenes at 22 minutes and 55 minutes) are fleeting, which lessens their impact.
- The violence inflicted by the main character Tom, while strong, always takes place out of absolute necessity in order to save his life or that of his family and friends. No more violence than is necessary to achieve this purpose is inflicted and so the violence is always contextually justified.
- The acts of violence are not glamorised. Indeed, by showing the realistic consequences of violence, the film demonstrates the ugliness of violence, rather than celebrating or trivialising it. There appears to be a strong underlying message in the advice by Tom to his son that violence should not

be used to settle disputes, particularly in Jack's response to the school bullies confronting him.

- Having regard to the standards of the community, the majority felt that the scenes of violence in this film were of no greater - and in some instances of lower - impact, than other films that have been routinely classified MA15. The majority of the Review Board concluded that the community would, as a whole, anticipate scenes of violence of the strength depicted in this film at an MA15+ classification.

The view of the minority is that the scenes depicting violence in the cafe, at Tom's home and in Tom's brother's house are each of high impact. The minority also considered that considered together with the other scenes referred to above, the cumulative impact is high. Therefore, it was the view of the minority that sequences outlined cannot be accommodated in the MA 15+ classification and the film should be classified R18+.

In relation to **sex**, the Review Board was unanimous that the scenes could be accommodated at an MA15+ classification. The sex scenes between the married couple were implied, consensual, and very little detail was shown.

Thematically, the two sex scenes were contextually justified - the first scene at 17 minutes showed a fun, loving, carefree scene of sex, while the second - after the intrusion of violence into Tom and Edie's life - was rougher, colder and more menacing. The sex scenes therefore seemed to be used partly as a device to advance the film's message that once violence enters someone's life, it becomes pervasive and controlling.

## **8 Summary**

The Classification Review Board, in a majority 2 to 1 decision, determined that *A History of Violence* should be classified MA 15+ with the consumer advice "Strong realistic violence, Strong sex scenes".

The majority of the Review Board concluded that the impact of the violence is strong, rather than high. The film contains realistic scenes of violence, including blood splatter and visible wounds, but those scenes are brief and infrequent and the violent acts are not glamorised or celebrated.