



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

6 July 2005

23-33 MARY STREET  
SURRY HILLS NSW 2010

- Members:** Mr Rob Shilkin (Chair)  
Mr Anthony Hetrih  
Mrs Gillian Groom
- Applicant:** Twentieth Century Fox Film Distributors Pty Ltd (Fox),  
original applicant for classification, represented by Mr Chris  
Smith and Mr John Dickie ("**Applicant**")
- Business:** To review the Classification Board's decision to classify the  
film *Fantastic Four* ("**the film**") 'M' (Mature) with the  
consumer advice 'Moderate violence'.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board ("**Review Board**") classified the film 'PG'  
(Parental Guidance) with the consumer advice 'Mild stylised violence'.

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995*  
 ("**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 ("**Code**") and the  
classification guidelines (as in force from time to time).

Relevantly, the Code in paragraph 6 of the Table under the heading 'Films'  
provides that:

Films (except RC films, X18+ films, R18+ films, MA15+ films and M films) that  
cannot be recommended for viewing by persons who are under 15 without the  
guidance of their parents or guardians

are to be classified PG. The Code also sets out various principles to which classification decisions should give effect, as far as possible. Section 12 provides that the classification guidelines are to "assist the (Review Board) in applying the criteria under the Code".

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;
- (b) the literary, artistic or educational merit (if any) of the film;
- (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.

The four principles under item one of the Code are:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take account of community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence; and
  - (ii) the portrayal of persons in a demeaning manner.

Three essential principles underlie the use of the *Guidelines for the Classification of Films and Computer Games 2005* ("**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**

The Review Board met on 6 July 2005 in response to the receipt of an application for review from the Applicant.

The Review Board determined the application to be a valid one, watched the film, and took written and oral submissions from the Applicant.

The Review Board received the Applicant's application on 4 July 2005. The film had a wide national release scheduled for 7 July 2005. The Convenor of the Review Board, Maureen Shelley, and the Deputy Convenor, The Hon Trevor Griffin, were not available to attend the hearing, given the tight time frames and need for a quick hearing.

Mr Shilkin informed the Applicant that the Convenor had constituted the Review Board for the purposes of the review as comprising three ordinary members (Mr Shilkin, Mrs Groom and Mr Hetrih), with Mr Shilkin appointed by the Convenor to act as Chair.

The statutory bases for this course of action were:

- (a) Section 77 of the Act, which empowers the Convenor to give directions as to the constitution of the Review Board for the purpose of considering a particular matter, and to give directions as to the arrangement of the business of the Review Board; and
- (b) Section 78 of the Act, which provides that the Review Board is to be constituted by at least three members, nominated for that purpose by the Convenor, without specifying any other requirements or limitations on nomination.

Mr Shilkin informed the Applicant that the Review Board's interpretation of this legislation is supported by previous AGS advices obtained in relation to proceedings other than today's.

The Applicant stated that it had no objection to the action of the Convenor, the constitution of the Review Board or the Review Board's process.

#### **4. Evidence and other material taken into account**

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

- (i) The application for review;
- (ii) The Applicant's written submission;
- (iii) The Applicant's oral submissions;
- (iv) The film;
- (v) The relevant provisions in the Act;
- (vi) The relevant provisions in the Code
- (vii) The Classification Board's report; and
- (viii) The Guidelines.

## 5 **Synopsis**

*Fantastic Four* is an adventure story in which four comic book characters obtain super powers after being exposed to radiation during a trip to outer space. One character (Reed) has powers which allow his body to stretch into incredible proportions, another (Johnny) becomes the Human Torch whose body can become engulfed with flames, another (Sue) has the power to become invisible and project powerful force fields, while another (Ben) becomes a super strong muscle man. The benefactor of the space voyage, Von Doom, becomes the evil character who the group of superheroes (the Fantastic Four) must confront and defeat.

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

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

- (a) **Themes** - "Themes" are defined in the Guidelines as "social issues such as crime, suicide, drug and alcohol dependency, death, serious illness, family breakdown and racism". The Review Board found that, to the extent that they were present, the film glossed over such issues very quickly. The treatment of themes in the film was very mild and not menacing.
- (b) **Sex** - Von Doom kisses Sue's hand at approximately 10 minutes. Sexual activity in the film was very mild. There was some mild sexual innuendo throughout the film, involving the character of Johnny.
- (c) **Drug use** - At approximately 67 minutes, Ben drinks alcohol. Drug use is very discreet.
- (d) **Language** - The word "ass" is used in a non-aggressive manner at approximately 7 minutes and again at approximately 75 minutes. At approximately 15 minutes the term "god-damned" was used in a non-aggressive manner. No further coarse language was used.
- (e) **Nudity** - There is no nudity in the film.
- (f) **Violence** - The Review Board found that violence in this film is infrequent. The Review Board found that the violence generally involves superheroes with supernatural powers and is depicted in an unrealistic, stylised manner. The relevant scenes of violence are as follows:
  - At approximately 15 minutes, Ben throws a mirror at Johnny which smashes. It misses him by a wide margin and the scene is humorous in nature.
  - At approximately 20 minutes, Johnny becomes the Human Torch while skiing. His neck is seen to be on fire and the fire slowly engulfs him. There is no hint of any burning flesh or other effect

of the fire. Johnny is not in pain. There are no burn marks or scars.

- At approximately 34 minutes, a sequence begins during which police officers draw guns, shots are fired, a truck explodes and a fire engine falls off a bridge. No character is depicted as being in pain during this sequence. The scene is essential to establish that the characters have super powers.
- At approximately 53 minutes, Von Doom grabs a man by the throat and throws him a very long way into a glass panel. The man slumps to the ground. The man does not scream. There is no blood. A post-action mid-range shot very briefly shows the man motionless with his eyes open (impliedly dead), which does indicate that the violence has a serious consequence. This visual lasts for approximately one second. The scene is essential to establishing Von Doom as the evil character in the movie. The film clearly shows that this violence is evil in nature and to be condemned.
- At approximately 58 minutes, there is a scene in a car park in which Von Doom is seen to shoot some form of energy through another character's chest. The victim has a large hole in his chest. There is no blood or flesh wound and the hole looks clean and very unrealistic. The shot is filmed in medium-shot with no close-ups. The victim has a brief look of horror on his face and quickly falls to the ground (impliedly dead). The scene is critical to establishing that Dr Von Doom has supernatural powers. It is depicted as an evil, unacceptable act.
- At approximately 65 minutes, two guards are shown lying on the ground at Von Doom's office. The chest of one appears to be smouldering. Von Doom is shown departing the scene. The scene is dark, in medium shot and very brief. There is no blood detail or burn marks although it is clear that the violence has a serious consequence.
- At approximately 73 minutes, there is a fight scene between the superheroes and the super-villain that is unrealistic and involves no, or very little, detail or actual blows.
- At approximately 86 minutes, the climactic fight scene between the superheroes and Von Doom commences. This involves a number of instances of punching and throwing of characters. Some guns are drawn by police officers and bullets are fired. The entire scene is unrealistic and cartoon-like, with each character demonstrating their special superpowers in an attempt to overcome the powers of Von Doom. The superheroes work as a team and use violence as a last resort to save themselves and others. No character is seen to be injured or in pain, although it is apparent that the violence of Von Doom poses a serious risk to the superheroes and surrounding

civilian onlookers. There is a very short nasal blood trickle to demonstrate the exertion undertaken by one character, rather than blood deriving from any injury or blow. The violence is unrealistic and cartoonish and involves primarily the use of superpowers such as force fields and energy blasts.

## **7 Reasons for the decision**

The Review Board considered the matters listed under section 11 of the Act and in the introduction to the Code. Relevantly, the Review Board had regard to the general character of the film as a comic-book fantasy film. By its nature, such a film needs to follow several standard aspects of the genre, such as the need to establish the powers of the superheroes and the malevolence of the super-villain.

The Review Board also considered item 1 of the Code, which states, relevantly, that minors should be protected from material likely to harm or disturb them. The Review Board therefore considered whether the protection of minors who may view this film was best achieved by an M, or a PG rating.

The Review Board considered Item 3 of the National Classification Code entitled "Films".

Paragraph 5 of Item 3 states that *"films...that cannot be recommended for viewing by persons who are under 15"* are to be classified M.

Paragraph 6 of Item 3 states *"films...that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians"* are to be classified PG.

Pursuant to section 12 of the Act, to assist the Review Board in its application of the criteria in the Code, the Review Board considered the Guidelines. In relation to "PG", the "impact test" in the Guidelines states that *"the impact of the classifiable elements for material classified PG should be no higher than mild."*

The Review Board considered that the relevant classifiable element of the film was that of violence.

In relation to "violence" the Guidelines for PG state: *"Violence should be mild and infrequent, and be justified by context."*

The Review Board found as a matter of fact that the depictions of violence in the film were sparse and infrequent.

The Guidelines state that the impact of a scene may be "higher" where it contains, relevantly "close-ups and accentuation techniques" or is "prolonged or realistic, rather than stylised"

In considering impact in accordance with the Guidelines, the Review Board considered that all of the scenes containing violence were "over the top" and unrealistic. The scenes of violence involved the use of energy bolts and super-

strength by, primarily, characters who are either invisible, or flying, or on fire, or stretched to impossible shapes.

There was no depiction of any character being in pain or of any realistic wounds that may disturb children. By way of example:

- In the scene in which a character has a hole in his chest after being struck by an energy bolt, the hole is clean and the character is not shown as suffering;
- The character who is on fire is not in pain and is seen to be enjoying the experience;
- No character is seen to be hurt or wounded by a bullet or punch; and,
- The other scenes of violence were fleeting and filmed in mid-shot with no wounds or injuries visible.

However, the film made it apparent that the violence posed a risk (by showing brief visuals of the consequences of the violence and by showing civilians cowering in fear from the violence). The superheroes' response to the violence was depicted as a last resort and as an effort to protect themselves and others. While attempting to make the Fantastic Four's superpowers look "cool", the film did not condone or glamorise violence. Indeed, the most impactful violent acts were committed by Von Doom who was unambiguously portrayed as an evil villain. The Review Board therefore did not consider that the film would have the impact of desensitising children to violence or teaching them that violence is acceptable or has no consequences.

There were no close ups of violent acts.

The Review Board found that the overall nature of the film, together with its positive resolution, positive messages about teamwork and attempts at humour, further lessened the impact of the infrequent scenes of violence.

The violence was all in the context of a superhero-versus-super-villain comic-book storyline.

Bearing all of this in mind, the Review Board concluded that the impact of the violence was no higher than mild (albeit higher than very mild and therefore exceeding the "G" Guidelines) and was justified by context.

After deriving this assistance from the Guidelines, the Review Board formed the view that the film was such that it could not be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians. A PG classification was therefore appropriate. The Review Board felt that the most appropriate way to protect minors from the material in this film was for proper parental or guardian guidance, to explain and discuss the material with their children. This may be especially important for younger viewers.

## **8 Summary**

The Review Board determined that *Fantastic Four* should be classified PG, with the consumer advice "Mild stylised violence", which was an accurate description of the unrealistic nature of the relevant violent scenes in the film.

The Review Board's decision was unanimous.