

33RD MEETING

9-10, 17th NOVEMBER 2000

23-33 MARY STREET

SURRY HILLS NSW

8 DECEMBER 2000 (BY TELECONFERENCE)

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

APPLICANT: AXIS, a Division of Adultshop.com Limited

BUSINESS: To review the decision of the Classification Board to assign the classification RC (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Euro Angels Hardball 6 - Anal Maniac*.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Euro Angels Hardball 6 - Anal Maniac* RC

2. Legislative Provisions

The *Classification (Publications, Films 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 1. of the Table under the heading "Films" provides that films that "depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified" should be classified "RC."

Further, the Code provides that films that

- a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and
- b) are unsuitable for a minor to see

may be classified "X".

In addition, the *Guidelines for the classification of films and videotapes (Amendment No. 3, 18 September 2000)* provide, in part that, "No depiction of violence, sexual violence, sexualised violence or coercion is allowed in the category. It does not allow sexually assaultive language. Nor does it allow consensual depictions, which purposefully demean anyone involved in that activity for the enjoyment of viewers. Fetishes such as body piercing, application of substances such as candle wax, "golden showers", bondage, spanking or fisting are not permitted.

3. Procedure

3.1 Six members of the Review Board viewed the film at its meeting on 9-10 and 17th November 2000.

4. Matters Taken into Account

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

- (a) the applicant's Application for Review
- (b) the film *Euro Angels Hardball 6 - Anal Maniac*.
- (c) written and oral arguments made by Ms Elvis Caneers-Barnes and Mr John Davey on behalf of the applicant
- (d) the relevant provisions in the Act

- (e) the relevant provisions in the National Classification Code as amended in accordance with section 6 of the Act and endorsed by Censorship Ministers
- (f) the current Classification Guidelines for the classification of Films and Videotapes determined under section 12 of the Act.

5. Findings on material questions of fact

- 5.1 The film has been described as an “All anal sexploit”. The Review Board found that it contained real depictions of actual sexual activity.
- 5.2 The Review Board considered the instances cited by the Classification Board as leading to an RC classification. These were instances where coarse language was used whilst sexual activity is taking place, and occurred at 4,7,12, and 65 mins, being “you’re just a fuckin’ bitch” and “fuckin’ slut you are”, or variations of these phrases. The Review Board also noted additional such instances at 79 and 85mins.
- 5.3 The Review Board found that these instances in their context constituted sexually assaultive language.
- 5.4 The Review Board also found that the tone of the film and a number of scenes in combination, constituted depictions which purposefully demeaned the female participant(s) for the enjoyment of viewers. Such depictions included a number of scenes of anal sex (in which the female(s) was presented as little more than a pair of buttocks and an anus stretched open towards the camera) and in which the style was that of dominating males using largely passive female(s). These occurred at 9-12 mins, 15mins, 17-18mins, 22mins, 36 mins, 47 mins, 62 mins, 67 mins.
- 5.5 Furthermore, instances at 36mins and 54 mins (where a solid glass object similar in size to a large wineglass is inserted into the anus), and at, for example, 43 minutes (where a flexible, long (say 25cm), black, sausage shaped, with bulges like golfballs, device was fed into the anus) were additionally found by the Review Board to constitute depictions which purposefully demeaned the female participant for the enjoyment of viewers.

Accordingly, the Review Board concluded that the film was appropriately classified “RC” Refused Classification.

6. Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film "RC" on its content as described in 5.2 to 5.4 above
- 6.2 The Review Board found that in the scenes described in 5.2 above, the language used by the dominating male to the female participant, in conjunction with the sexual acts, was in tone and delivery abusive, and constituted sexually assaultive language.
- 6.3 The Review Board also concluded that the film contained demeaning depictions (as in 5.4 above), having regard to the tone of the whole film, the domination of most of the sexual activity by the male(s), (including the ordering around of the female(s)), the lack of much if any active participation by the female(s), the large proportion of shots which failed to give any identity to the females and focussed almost solely on their upended buttocks and stretched anus(es). The Review Board concluded that these scenes debased the female participant(s) and were demeaning. Further, these depictions included a number of shots where the female anus was stretched wide open and deliberately pointed to the camera, providing strong indicators that these depictions purposefully demeaned the participant(s) for the enjoyment of viewers.

The Review Board also found as in 5.4 above, that a number of the objects which were pushed into the anus of the upended female(s) were considerably larger than a penis or several fingers, (as might be expected to be used in anal sex). The Review Board found that because of the large size, long length and/or shape of these objects (see 5.4), the actions of inserting these into the anus debased the participants. Further, as these actions were deliberately shown to the camera, the Review Board concluded that these depictions purposefully demeaned the participant(s) for the enjoyment of viewers.

- 6.4 The applicant argued that the Classification Board failed to
 - (a) take sufficient account of the nature of the film
 - (b) take full account of the wording and intent of the Classification Act and the National Classification Code
 - (c) reasonably apply the Film Classification Guidelines as they relate to sexually assaultive and abusive language.
- 6.5 The Review Board took the view that in its own considerations
 - (a) It had fully considered the tone, style, context and content of the film

(b) fully taken account of the wording and intent of the Act, the and the Code

(c) applied in a reasonable manner the Guidelines as they related to sexually assaultive language.

6.6 The Review Board concluded that for the reasons set out in 6.2 to 6.4. above, the film was one which contained sexually assaultive language, and also contained depictions which purposefully demeaned persons for the enjoyment of viewers. As these depictions occur in a film that contains real depictions of actual sexual activity between consenting adults in a way that is likely to offend a reasonable adult, the film cannot be classified X 18+, and is appropriately classified RC Refused Classification.

7. **Summary**

- 7.1 The Review Board's decision is to confirm the decision of the Classification Board to classify the film *Euro Angels Hardball 6 - Anal Maniac*. "RC."

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