



Australian Government

Classification Review Board

10 October 2007
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS	Ms Maureen Shelley (Convenor) Mr Anthony Hetrih Ms Kathryn Smith
APPLICANT	Hoyts Distribution
INTERESTED PARTIES	None
BUSINESS	To review the Classification Board's decision to classify the film <i>Saw IV</i> R 18+ with the consumer advice 'High level violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified the film *Saw IV* MA 15+ with the consumer advice 'Strong horror violence, Graphic autopsy scene'.

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 provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Relevantly, the Code in the 'Films' table provides that:

"Films (except RC films and X 18+ films) that are unsuitable for a minor to see" are to be classified R 18+, and

"Films (except RC films, X 18+ films and R 18+ 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+

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

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; 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 *Guidelines for the Classification of Films and Computer Games 2005* (the 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 10 October 2007 in response to the receipt of an application from Hoyts Distribution on 3 October 2007 to determine its validity.

Three members of the Review Board viewed *Saw IV* on 10 October 2007.

The applicant made a written submission. The Review Board also received oral submissions from the following persons representing the applicant:

- Mr John Dickie, Consultant
- Mr Robert Slaviero, CEO
- Ms Heather MacMillan, National Sales Manager

The Convenor advised the applicant that she knew Mr Slaviero, the CEO of Hoyts Distribution, as his first wife was a friend of the Convenor's. The Convenor invited the applicant to make submissions on the matter. Mr Slaviero advised that he was well aware of Ms Shelley's position as Convenor and believed that she would make the decision on submissions made and the material available to her. He thanked the Convenor for the opportunity to make submissions on the matter.

The Review Board then considered the application for review.

4. Evidence and other material taken into account

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

- (i) Hoyts Distribution's application for review
- (ii) Hoyts Distribution's written and oral submissions
- (iii) the film, *Saw IV*
- (iv) the relevant provisions in the Act, the Code and the Guidelines, and
- (v) the Classification Board's report.

5. Synopsis

The film is the fourth in a series which has a plot line revolving around a terminally ill engineer who devises elaborate machines of torture and death, which he uses to perpetuate a strange and violent “game”. His victims are physically restrained and must choose between a horrific and bloody death and maiming themselves or another captive.

6. Findings on material questions of fact

A number of classifiable elements were present in the film, however, the Review Board found that they could all be accommodated at an M classification or lower. Of note were a scene of a medical procedure and the classifiable element of violence – particularly torture. These are addressed below.

Autopsy –

The film’s opening sequence is of a medical autopsy. It is a fictionalised, although realistically simulated, depiction of an autopsy of the engineer Jigsaw. The scene is graphic and detailed. It shows (apparent) cutting open of the rib cage with removal of organs. Realistic-looking organs are split open with an object being removed from the stomach. The scalp is cut and the flesh part of the back of the head is drawn over the face. A hole is cut in the skull and the brain examined. The scene is set in what appears to be an autopsy theatre.

The dramatisation of the medical procedure appears to follow standard autopsy procedures as is seen in factual documentaries. The depictions are unusually graphic and at the high end of strong in impact. However, this impact is mitigated by the character of the scene. Whilst it is the opening scene of what the intended audience would be aware is a horror film, its character is to be taken into account when determining the classification. Standard instrumentation appears to have been used and standard procedures appear to have been followed by what are depicted to be professional medical personnel. The film makers do not use horror or other accentuation techniques to intensify the impact of the scene; its impact is in its graphic nature.

It was the view of the Review Board that the scene of the autopsy should not be classified as “violence”, but rather as themes involving death and graphic medical procedures. Given the characterisation of the scene and the likely audience the Review Board determined that the scene could be accommodated at the MA 15+ classification.

Violence –

There were a number of scenes of strong violence in the film. In particular were two scenes of note.

One is at 42 minutes (as described in the Classification Board’s report, except that the Review Board noted only one spike being driven into the victim’s eye being depicted) and the second at 78 minutes when the drug user who was “responsible” for Jigsaw’s wife’s miscarriage is tortured.

The second scene involves the use of a machine that the drug user must push his face into so that slashing knives will cut his face and thereby activate a release mechanism. By doing so he is severely injured. On release, with a bloodied and gory face, he falls into a bed of razor wire further injuring himself – possibly fatally. The scene is prolonged and detailed and strong in impact.

7. Reasons for the decision

It was the majority view of the Review Board that the impact of the torture scenes was strong and as such required the legal restriction provided by the MA 15+ classification. Further, the majority of the Review Board determined that the simulated autopsy scene was at the high end of strong in impact, but given its character as a medical scene, without any accentuation techniques, and the likely audience of the film (horror buffs), that it could be accommodated within the MA 15+ classification.

In the minority view the film contained violence that is high in viewing impact. While some of the individual scenes of violence were not more than strong, the frequency and cumulative impact of the violence contributed to make the overall impact of the film's violence high.

8. Summary

The majority of the Review Board determined that, while the film *Saw IV* contained several scenes of horror violence that were strong in impact, the film could be accommodated within the classification MA 15+ with the consumer advice 'Strong horror violence, Graphic autopsy scene'.