



# Australian Government

---

## Classification Review Board

16 May 2016

23-33 MARY STREET  
SURRY HILLS, NSW

**MEMBERS:** Fiona Jolly – Acting Convenor  
Peter Attard  
Susan Knowles  
Peter Price  
Richard Williams

**APPLICANT** Twentieth Century Fox Film Distributors

**INTERESTED PARTIES** Australian Council on Children and the Media

**BUSINESS** To review the Classification Board’s decision to classify the film *X-Men: Apocalypse* MA 15+ with the consumer advice “Strong science fiction themes and violence”.

### DECISION AND REASONS FOR DECISION

#### 1. Decision

The Classification Review Board (the Review Board) unanimously classified the film M, with the consumer advice “Frequent action violence and infrequent course language”.

#### 2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (Cth) (the Classification 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.

### *The Review Board*

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42 of the Classification Act sets out the persons who may apply for review of a decision:

- (a) the Minister
- (b) the applicant for classification of the film, or the likely classification of the film under section 33
- (c) the publisher of the film, or
- (d) a person aggrieved by the decision.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44, the Review Board must deal with an application for review in the same way that the Board deals with an application for classification of a film.

### *Classification of Films under the Classification Act*

Section 9, subject to section 9A, provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a film that advocates the doing of a terrorist act must be classified RC.

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.

### *The National Classification Code*

Relevantly, the Films Table of the Code provides that:

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 will be classified MA 15+.

Films (except RC films, X 18+ films, R 18+ films and MA 15+ films) that cannot be recommended for viewing by persons who are under 15 will be classified 'M'.

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

- (a) adults should be able to read, hear, see and play 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.

### *The Guidelines*

Three essential principles underlie the use of the *Guidelines for the Classification of Films 2012* (the Guidelines), determined under section 12 of the Classification Act:

- the importance of context
- the assessment of impact, and
- the six classifiable elements – themes, violence, sex, language, drug use and nudity.

### **3. Procedure**

All five members of the Review Board met on 16 May 2016 in response to the receipt of an application from Twentieth Century Fox Film Distributors on 12 May 2016 to conduct the review of the film *X-Men: Apocalypse*, which had previously been classified MA 15+ by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written and oral submission from the Applicant.

The Review Board was provided a written submission from the Australian Council on Children and the Media.

The Review Board viewed the film.

The Review Board heard an oral submission from the Applicant.

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) Twentieth Century Fox Film Distributors' application for review
- (ii) Twentieth Century Fox Film Distributors' written and oral submissions

- (iii) a written submission received from the Australian Council on Children and the Media
- (iv) the film, *X-Men: Apocalypse*
- (v) the relevant provisions in the Classification Act, the Code and the guidelines, and
- (vi) the Classification Board's report.

## 5. Synopsis

The film *X-Men: Apocalypse*, follows Apocalypse, the first and most powerful of the mutant "X-Men". He has amassed the powers of many other mutants, becoming immortal and invincible. Upon awakening after thousands of years, he is disillusioned with the world as he sees it, and recruits a team of powerful mutants to rid the world of humankind and create a new world order, over which he will reign. It is then up to the X-Men to reform to overpower Apocalypse and save the world.

## 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 – The film contains various themes including reference to the Holocaust, death of Magneto's wife and child, destruction of civilisation and the use of nuclear weapons. These themes have a moderate sense of threat and menace but this is justified by the context of the battle between superheroes.

The impact of this element is no higher than moderate and can be accommodated at the M level.

(b) Violence – the film contains frequent scenes of action violence. Examples include those detailed below.

At 34-35 minutes there is a long scene which shows the accidental bow and arrow shooting of Magneto's wife and child followed by Magneto using his powers to kill the policemen assembled to arrest Magneto. In this scene although it is clear the victims have been killed there is no blood, and no wounds or graphic detail.

At 38 minutes Apocalypse uses his power to decapitate three men. They are seen to be beheaded, apparently by sand, and fall to the ground. There is no blood, no graphic detail and no image of the men dying.

At 54 minutes, Apocalypse uses his power to give Angel new wings. There is close up of Angel's ribs coming out of his chest and back, accompanied by moaning. This scene was relatively dimly lit, with the focus on how Angel's body is transforming. There is minimal blood, and this is justified by the transformation context. The scene is immediately followed by Angel being seen as a more empowered persona.

At 1:33 Wolverine escapes his prison and runs through the compound with his claws out, attacking soldiers. In this extended fight and flight scene much of Wolverine's attack is implied. Although soldiers are killed there is no close ups of wounds. After the attack there is a medium shot of a soldier lying down with blood pooled near his

face and a scene of blood spatter on a wall. This is followed by a scene of Wolverine pulling two bloodied steel screws from his torso, releasing him from the straps surrounding him.

In the final battle there is a scene of Apocalypse strangling Raven and beating Charles. The scenes of Charles being attacked and crushed depict his bloodied face and mouth, but it is clear that this is a virtual battle occurring in the minds of Charles and Apocalypse.

Although there is some depiction of serious bodily harm, it is within a fantasy theme where the detail is usually bloodless and bodies become no more than incidental to the scenes and to the narrative. In all the scenes the violence is justified by the context of either demonstrating superhero powers or is part of the damage inflicted in the war between superheros.

These images are all moderate in impact and are justified by the context of a superhero battle. The impact of this element is no higher than moderate and can be accommodated at the M level.

(c) Sex – There is no sexual activity in the film.

(d) Language – There is very infrequent use of “fuck” and one of ‘piss off’ language in the film. The language was used in a humorous context. The impact of this element can be accommodated at the M classification.

(e) Drug Use – There is no drug use in this film.

(f) Nudity – There is no nudity in this film.

## **7. Reasons for the decision**

The Review Board unanimously determined *X-Men: Apocalypse*, ‘M’ on the basis that the impact of the classifiable elements is no higher than moderate.

The film contains a number of themes which have a sense of threat or menace including the destruction of civilisation. In the opinion of the Review Board these themes are justified by the context of a superhero battle.

The film contains frequent action violence primarily between the superheros or soldiers attempting to capture or contain the superheroes. The violence is mostly bloodless, with no gratuitous emphasis on wounds or bodies. In the Review Board’s opinion the impact of the violence is no more than moderate and is justified by context.

The element of language can be accommodated within the M classification.

There is no sex, drug use or nudity in the movie.

The Review Board determined the consumer advice of ‘Frequent action violence and infrequent course language.’

## **8. Summary**

The Review Board unanimously determined that *X-Men: Apocalypse*, be classified ‘M’, and that it should be accompanied by the consumer advice of ‘Frequent action violence and infrequent course language.’