



Australian Government

Classification Review Board

19 December 2011
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Victoria Rubensohn AM (Convenor)
Ms Ann Stark
Dr Melissa de Zwart

APPLICANT Roadshow Films

INTERESTED PARTIES Australian Council on Children and the Media (ACCM)

BUSINESS To review the Classification Board's decision to classify the 3D version of the film *Happy Feet Two* **PG** (Parental Guidance) with the consumer advice 'mild sense of threat'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the 3D version of the film G (General), with the consumer advice 'very mild sense of threat'.

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.

Relevantly, the Code in paragraph 5 of the Table under the heading 'Films' provides that:

Films (except RC films, X 18+ films, R 18+ films, MA 15+ 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',

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 are to be classified M, and

All other films are to be classified G.

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 19 December 2011 in response to the receipt of an application from Roadshow Films dated 7 December 2011 to conduct the review.

Three members of the Review Board viewed the 3D version of the film on 19 December 2011.

The Review Board heard an oral submission from Brett Rosengarten, National Sales Manager, Roadshow Films. This was provided in addition to a written submission.

The Review Board considered a written submission from an interested party, Australian Council on Children and the Media (ACCM).

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 Films application for review
- (ii) Roadshow Films written and oral submission
- (iii) 1 written submission received from ACCM
- (iv) the film, *Happy Feet Two (3D)*
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report

5. Synopsis

Mumble engages the assistance of other Antarctic inhabitants (such as penguins, elephant seals and a puffin), in efforts to save his colony of emperor penguins from being trapped by an iceberg. The film focuses on the relationship between Mumble and his son, Eric, and a pair of krill, Will and Bill, exploring the world.

6. Findings on material questions of fact

The Review Board reviewed the classifiable elements and found that the only classifiable element was 'themes'.

The film contains themes that have a very low sense of threat and menace and are justified by context. Whilst the threat to the colony and Mumble and the chicks' attempts to save it have some element of suspense, any scenes of concern are of limited duration and interspersed with an alternative storyline. On each occasion such scenes have a positive resolution. The alternative storyline, the adventures of the krill, Bill and Will, serves to add an aspect of humour and to defuse any build up of tension.

Scenes of very mild threat and their positive outcomes include:

- At 19.00 the saga of Sven's escape from environmental degradation is sung by Lovelace and Sven. However, this journey has a positive ending and also features nurturing and caring acts by humans.
- At 31.30 Bryan the elephant seal, falls into a deep crevasse, shouting words of farewell to his sons. However, Mumble's action, involving a leopard seal succeeds in freeing Bryan and allowing him to rejoin his pups and continue home safely.
- The attack of the skua birds, whilst noisy and confusing, did not involve the loss of any penguin chicks. During this time, Atticus and Eric are menaced by the skua birds, but they are safely protected in an ice crack. The skua birds are

ultimately driven off by the arrival of Ramon, Sven and Lovelace, with the Adelie penguins, at approximately 53.20.

7. Reasons for the decision

The Review Board notes that the themes, interspersed with an alternative storyline, cumulatively combine to create viewing impact that does not exceed very mild and can therefore be accommodated at a G level of classification.

8. Summary

In the opinion of the Review Board the impact of the classifiable element, themes, has a very low sense of threat or menace, and is justified by context.

In the opinion of the Review Board the impact of the 3D effects did not alter the viewing experience sufficiently to raise the level of impact above very mild.