



# Australian Government

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## Classification Review Board

20 November 2017

23-33 Mary Street  
Surry Hills, NSW

MEMBERS:	Fiona Jolly (Chair) Peter Attard Peter Price
APPLICANT:	Roadshow Films Pty Ltd
INTERESTED PARTIES:	Roadshow Films Pty Ltd Australian Council on Children and the Media
BUSINESS:	To review the Classification Board's decision to classify the film <i>The Nut Job 2: Nutty by Nature</i> PG (Parental Guidance) with the consumer advice 'Mild themes and animated violence'.

## Decision and reasons for decision

### 1. Decision

The Classification Review Board (the Review Board) unanimously classified the film G, with the consumer advice 'Some scenes may scare young children'.

### 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.

#### *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 Classification 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 computer game 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 the:

- a) standards of morality, decency and propriety generally accepted by reasonable adults, and
- b) literary, artistic or educational merit (if any) of the film, and
- c) general character of the film, including whether it is of a medical, legal or scientific character, and
- d) 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 National Classification Code (the Code) 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.

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
- assessment of impact, and
- six classifiable elements—themes, violence, sex, language, drug use and nudity.

## **3. Procedure**

Three members of the Review Board met on 20 November 2017 in response to the receipt of an application from Roadshow Films Pty Ltd on 6 November 2017 to conduct the review of the film *The Nut Job 2: Nutty by Nature*, which had previously been classified PG by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written 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) the Applicant's application for review
- (ii) the Applicant's written and oral submissions
- (iii) a written submission received from the Australian Council on Children and the Media
- (iv) the film, *The Nut Job 2: Nutty by Nature*
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.

#### 5. Synopsis

*The Nut Job 2: Nutty by Nature* is an American/Canadian/South Korean co-produced children's animated film in which Surly and his animal friends must protect the park in which they live from the corrupt mayor who wants to build an amusement park.

The film follows the trials of the animals as they try to prevent the operation of the amusement park built in their habitat.

#### 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 Review Board considered that the theme of the park animals trying to prevent the destruction of their park has a very low sense of threat from the mayor and his cronies and also, initially in the threat from the city mice. The Board considered that the impact of this element is no higher than very mild and can be accommodated at the G classification.
- (b) Violence—The Review Board considered the level of violence in the movie. The Review Board considered that the film features animated animal characters in a battle against the mayor and his daughter, the theme park construction crew, and the pest control staff. The Review Board considered that there are scenes of violence which are animated and exaggerated and are comedic in nature which in the Review Board's view lessens the overall impact.

The Review Board noted the scene at 18 minutes where Surly is run over by a bulldozer and in attempting to disable the bulldozer, bites through an electrical cable and is depicted being electrocuted. The Review Board noted that in this scene there is an image of Surly's skeleton. The Review Board also noted various scenes where Surly jumps from moving vehicles and crashes into mail boxes at 13 and 41 minutes and is shown to have impacted the mailbox and then shown continuing to run unharmed. The Review Board considered that these types of scenes in the film are typical of slapstick violence in many children's movies and programs and are of very low impact.

The Review Board also noted the scenes from 47 minutes where the Major fires a crossbow at Surly, which then results in Buddy falling from the balcony to the ground. The Review Board noted that although it is clear Buddy is injured there is no depiction of his injuries. The Review

Board considered that the scene at 48 minutes where Surly is upset over Buddy's lack of movement is resolved quickly and humorously by Precious licking him. The Review Board considered that the impact of this scene can be accommodated within the G classification.

The Review Board considered the depiction of the city mice at 100 minutes where Surly is threatened by Mr Fang (the chief of the city mice). The Review Board considered that there is a very mild and short lived sense of menace that is justified by context.

The Review Board noted the montage of scenes from 105 minutes which lead to the destruction of the Theme Park, including the ferris wheel implicitly squashing people, the shooting of the dogs with tranquilizer darts and the city mice swarming together to create a person out of the 'minion-like' costumes of the pest controllers. The Review Board considered that the most impactful images were at 112 minutes where the mouse controlled pest controller suit is seen punching other pest controllers. The Review Board considered that although this sequence of scenes was prolonged, the violent images were exaggerated, unrealistic and interspersed with humour and depictions of all the animals unharmed. The Review Board considered that the violence was justified by the context of the animals fighting to retain their home and fighting to get rid of the corrupt major and his cronies and was very mild in impact.

In the Review Board's view the impact of the violence is very mild and can be accommodated at the G classification.

- (c) Sex—There is no sexual activity in the film.
- (d) Language—The Board considered that the language can be accommodated at the G classification.
- (e) Drug Use—There is no drug use in the film.
- (f) Nudity—There is no nudity in the film.

## 7. Reasons for the decision

The Review Board unanimously determined *The Nut Job 2: Nutty by Nature* 'G' on the basis that its themes and treatment of violence are of a very mild nature.

There are numerous scenes of unrealistic, slapstick and animated violence which are all resolved with positive outcomes for the animals and are interspersed with humour and are relevant to the context. The theme of the park being destroyed for greed is overall a positive story about animals protecting their habitat and has a very mild sense of threat which is at all times relevant to the context.

The Review Board determined the consumer advice of 'Some scenes may scare young children'.

## 8. Summary

The Review Board unanimously determined *The Nut Job 2: Nutty by Nature*, 'G', and should be accompanied by the consumer advice of 'Some scenes may scare young children'.