



# Australian Government

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## Classification Review Board

20 October 2017

23-33 MARY STREET  
SURRY HILLS, NSW

<b>MEMBERS:</b>	Fiona Jolly (chair) Sue Knowles Richard Williams
<b>APPLICANT</b>	StudioCanal Pty Limited
<b>INTERESTED PARTIES</b>	StudioCanal Pty Limited
<b>BUSINESS</b>	To review the Classification Board's decision to classify the film <i>Jigsaw</i> R 18+ (Restricted) with the consumer advice High impact horror violence.

### DECISION AND REASONS FOR DECISION

#### 1. Decision

The Classification Review Board (the Review Board) unanimously classified the film MA15+ with the consumer advice 'Strong themes and strong horror violence'.

#### 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 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 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 and X 18+ films) that are unsuitable for a minor to see are to be classified MA 15+.

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**

Three members of the Review Board met on 20 October 2017 in response to the receipt of an application from StudioCanal Pty Limited on 16 October 2017 to conduct the review of the film *Jigsaw*, which had previously been classified R 18+ (Restricted) 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 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) StudioCanal Pty Limited's application for review
- (ii) StudioCanal Pty Limited's written and oral submissions
- (iii) a written submission received from the Australian Council on Children and the Media
- (iv) the film, *Jigsaw*
- (v) the relevant provisions in the Classification Act, the Code and the guidelines, and
- (vi) the Classification Board's report.

### **5. Synopsis**

*Jigsaw* is the next in a series (number 8) of horror films focusing on the serial killer—*Jigsaw*—who is presumed dead. In the film, despite apparently being dead *Jigsaw* devises traps for people that force them to confront their sins, promising a gruesome death if they don't. Depictions of the victims as they are held captive and killed are interspersed with depictions of the murder investigations.

## **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 depicts the theme of a serial killer confronting victims who have also committed crimes—making them confess their crime or be killed. The impact of this element is no higher than strong and can be accommodated at the MA15+ level.
- (b) Violence—The film graphically depicts the torture and murder of five captives as part of an elaborate game.

The impact of this element is no higher than strong and can be accommodated at the MA15+ level.

The Review Board considered that the other classifiable elements could all be accommodated at lower classifications.

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

The Review Board considered that the film is a horror movie and as such warrants the MA15+ classification for themes and violence.

The film has a strong theme of a serial killer seeking to get his captives to atone for their crimes that they have not acknowledged. The captives face gruesome, torturous deaths if they do not face their crimes. The Review Board considered that the theme is strong and impactful but that this is justified by the context and can be accommodated at the MA15+ classification.

The film contains numerous violent scenes which are in the context of a serial killer's treatment of his captives. Most of the scenes focus on the threat of violence, such as being dragged by chains towards circular saws, Ann being dragged around the post against the barbed wire, the captives being hung by chains and drawn towards the ceiling (20 minutes), and the tightening of the wires around Ryan's legs (26 minutes). The Review Board considered that these scenes created a strong impact that could be accommodated at the MA15+ classification.

The Review Board particularly noted four violent scenes:

- the depiction of 'buckethead' (12 minutes) with his bucket removed depicting catastrophic head and face injury resulting from the circular blades as seen in previous scenes (12 and 13 minutes) and the still shots of his head
- as the captives are being hung Ryan stabs Karly in the neck with the three syringes (21 minutes) and this is followed by a depiction of Karly's eyes turning red as the acid enters her body, and close up of her neck bleeding and her body dissolving from the acid. The Review Board noted that this scene was dimly lit and relatively short—switching immediately to the setting of the detectives at the mortuary.
- Mitch is seen being hung over the vortex machine (51 minute) and then being killed by the machine (52 minute). The Review Board considered that the violence was implied with no detail of his death. The Review Board noted that at 53 minutes Mitch's body falls from the ceiling and there is a brief shot of his

mutilated body. The Review Board noted that this was dimly lit and fleeting scene with immediate cut away to the detectives leaving the building.

- Ann is seen to try to shoot Ryan but the gun has been set to fire backwards and Ann is shot. There is a depiction of her lying dead, covered in blood but there is no gunshot wound apparent.

It was the view of the Review Board that these scenes involved horror violence which had a strong impact, but the violent images were justified by the context, fleeting, usually dimly lit and were quickly followed by scenes of the detectives or Dr Nelson away from the violence. The Review Board considered the violence could be accommodated within the MA15+ classification.

## **8. Summary**

The Review Board determined the film contained a horror theme and depictions of bloody violence that are inextricably linked, strong in impact and justified by context. The Review Board considered that while the film *Jigsaw* contained violent scenes, and themes of torture that were strong in impact, the film could be accommodated at the classification MA15+ with the consumer advice 'Strong themes and strong horror violence'.