



**Australian Government**  

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**Classification Review Board**

25 January 2017

**23-33 MARY STREET  
SURRY HILLS, NSW**

<b>MEMBERS:</b>	Peter Price OAM (Chair) Peter Attard Richard Williams
<b>APPLICANT</b>	Consumers of Mental Health WA (Inc) (CoMHWA)
<b>INTERESTED PARTIES</b>	Universal Pictures International
<b>BUSINESS</b>	To review the Classification Board's decision to classify the film <i>Split</i> M (Mature) with the consumer advice 'Mature themes, violence and coarse language'.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board (the Review Board) unanimously classified the film M (Mature), with the consumer advice 'Mature themes, violence and occasional coarse 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.

*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 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:

- (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 are to 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**

Three members of the Review Board met on 25 January 2017 in response to the receipt of an application from Consumers of Mental Health WA (Inc) (CoMHWA) on 24 January 2017 to conduct the review of the film *Split*, which had previously been classified M 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 original distributor, Universal Pictures International.

The Review Board was provided written submissions from eight interested parties.

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) CoMHWA's application for review
- (ii) CoMHWA's written submission
- (iii) an oral submission from the original applicant, Universal Pictures International
- (iv) a written submission received from the eight interested parties
- (v) the film, *Split*
- (vi) the relevant provisions in the Classification Act, the Code and the guidelines, and
- (vii) the Classification Board's report.

### **5. Synopsis**

*Split* is an American psychological drama film about Kevin, a man with 20 plus different personalities, who abducts three teenage girls. The film provides an insight into a condition known as DID (dissociative identity disorder).

## **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 themes that have a moderate sense of threat and menace and are justified by context. The film also contains moderate violence that is justified by context. The two elements are, at times, inextricably linked.

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

(b) Violence – At 88 minutes, Kevin, while under the control of a new personality known as the Beast, grabs his doctor and holds her from behind in a tight bear-hug. She attempts to stab him with a knife, but the blade breaks. The Beast squeezes her tighter and bone cracking sounds are heard. The doctor's body goes limp and the Beast drops her to the ground.

At 91 minutes, Casey opens a door and Marcia is briefly seen lying on the floor with a bloody wound on her abdomen. Casey screams and runs to the room where Claire is held captive. As Casey steps towards her, Claire is dragged out of view. Casey runs towards Claire and the Beast is seen kneeling at her side, mostly out of frame, implicitly eating her stomach. There are sounds of chewing but no depiction of injury detail or blood.

At 102 minutes, Casey hides from the Beast in a cage. He tells her, "Your gun can not hurt me. Can't you see that I'm not human?" She fires a shotgun at him. Bloody wounds are seen on his chest and abdomen as he stands at the bars of the cage grinning, his teeth covered in blood. As he attempts to bend to open the bars to the cage, he sees scars, which appear to be evidence of self-harm, on Casey's shoulders and abdomen. He tells her, "Your heart is pure, rejoice. The broken have endured," and leaves her alone in the cage.

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

(c) Sex – there is no sex in this film.

(d) Language – At 83 minutes, one of Kevin's personalities asks, "How do you explain how I'm the only one who needs these you mother-fuck..." The final word, implicitly "motherfucker", is cut short by a sudden edit.

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

(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 *Split*, ‘M’ on the basis that the impact of the classifiable elements is no higher than moderate.

The film contains a number of themes that have a sense of threat or menace which include the complexities of mental illness. In the opinion of the Review Board, these themes are justified by context.

The film contains several instance of implied violence between the main character and his victims. 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 film.

The Review Board determined the consumer advice of ‘Mature themes, violence and occasional coarse language’.

## **8. Summary**

The Review Board unanimously determined that *Split*, be classified M and that it should be accompanied by the consumer advice of ‘Mature themes, violence and occasional coarse language’.