



Australian Government

Classification Review Board

30 July 2008
23-33 MARY STREET
SURRY HILLS, NSW

- MEMBERS:** Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Mrs Gillian Groom
Mr Rob Shilkin
Ms Kathryn Smith
Ms Ann Stark
- APPLICANT** The Hon Robert Debus, Minister for Home Affairs
- INTERESTED PARTIES** Australian Family Association (AFA) represented by Ms Angela Conway and Mr Damien Tudehope; and NSW Council for Civil Liberties (NSW CCL) represented by Mr Stephen Blanks and Dr Brent Waters
- BUSINESS** To review the Classification Board's decision to classify the film *Classes in Seduction* R 18+ with the consumer advice 'High level animated sex scenes'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified the film R 18+ with the consumer advice 'High level animated sex scenes'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the 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 that:

- (a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or
- (b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
- (c) promote, incite or instruct in matters of crime or violence, are to be classified 'RC', and

Films (except RC films and X 18+ films) that are unsuitable for a minor to see are to be classified R 18+.

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

Prior to the review meeting, the Convenor determined that given the provision of Regulation 21 (2) (d) the application was of sufficient complexity that a decision would be not likely to be completed within 20 business days as more than one application of a similar nature had been received at the one time and that the Convenor had agreed to hear submissions from interested parties namely the NSW CCL and the AFA.

The Review Board met on 30 July 2008 in response to the receipt of an application from the Minister for Home Affairs on 18 July 2008 to determine its validity.

The Review Board determined that it had received a valid application from the Minister and noted the Convenor's decision regarding the complexity of the application and that it would be likely to be processed within 40 business days.

The Minister had advised in writing on 18 July that he would not be making written or oral submissions on the application for review. The original applicant made an undated written submission received by the Convenor on 25 July 2008 and distributed to the Review Board prior to the review meeting.

Six members of the Review Board viewed the film prior to the meeting on 30 July 2008. Arrangements were made for the NSW CCL and the AFA to view the film prior to the meeting on 30 July 2008.

The Review Board heard oral submissions from Dr Brent Waters and Mr Stephen Blanks representing the NSW CCL and from Mr Damien Tudehope and Ms Angela Conway from the AFA. No written submissions were made by the NSW CCL or the AFA.

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 Minister's application for review
- (ii) The original applicant's written submissions
- (iii) The oral submissions from the NSW CCL and the AFA
- (iv) the relevant provisions in the Act, the Code and the Guidelines, and
- (v) the Classification Board's report

5. Synopsis

The animated film in the anime genre depicts Professor Shino instructing students, mostly in sexual activity. She guides two students through their first sexual experiences, participating herself at times. She implicitly masturbates a third student during a martial arts class. She participates in sex with other students.

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 theme of the use of positional power is depicted through the professor's interaction with her students.

(b) Violence – there is little depiction of violence in the film.

(c) Language – there is little use of coarse language in the film.

(d) Sex – there are numerous depictions of sexual activity during the film including masturbation, cunnilingus, fellatio, vaginal intercourse and ejaculation. Animated sex scenes, in the anime style, include the Professor fellating a male while he mouths her breasts.

At 13 minutes a prolonged sexual scene is depicted whereby the Professor guides two students through their first sexual experience. The scene includes the Professor guiding the students through masturbation, fellatio and rear entry vaginal intercourse. The Professor participates by digitally stimulating the female student's vagina and fellating the male student.

At 21 minutes the Professor is depicted participating in a sex scene with three male students. She fellates one, digitally masturbates a second while engaging in vaginal intercourse with a third. Two male students ejaculate on her buttocks and the third ejaculates on her face.

(e) Drug Use – there is little drug use depicted in the film.

(f) Nudity – there is male and female full and partial animated nudity depicted in the film mostly in relation to sex scenes.

7. Reasons for the decision

The Review Board noted the conflicting submissions of the NSW CCL and the AFA in regard to the classification of the film and took into account the views expressed. While the submission of the NSW CCL did not provide much assistance to the Review Board, the Review Board noted the very real offence taken by the AFA regarding the content of the film, particularly in relation to the teacher-student relationship.

While some adults would find the depictions within the film offensive, the Review Board unanimously determined that the film could be accommodated by the R 18+ classification because the impact of the sex scenes was greatly diminished by the animated nature of the film and the stylisation.

Further, while the film depicts “students” with a “professor” the context was such that it appeared that they were young adults rather than school-age students.

8. Summary

The Review Board unanimously determined that the film is classified R18+ with the consumer advice of “high level animated sex scenes”.