



Australian Government

Classification Review Board

5 April 2019

23–33 Mary Street
Surry Hills, NSW

Review of Classification Board's decision to classify film *Hellboy*

Members:	Ms Sue Knowles (Convenor) Mr Peter Price AM (Deputy Convenor) Ms Rechelle Leahy Mrs Susan Bush Mr Adam Davy
Applicant:	Roadshow Films Pty Ltd
Interested parties:	Australian Council on Children and the Media (ACCM)
Business:	To review the Classification Board's decision to classify the film <i>Hellboy</i> R 18+ with the consumer advice 'High Impact violence, blood and gore'.

Decision and reasons for decision

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film R 18+ (Restricted), with the consumer advice, 'High impact violence, blood and gore'.

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/computer games 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 film 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 and X 18+ films) that are unsuitable for viewing or playing by a minor are to be classified R 18+.

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

Five members of the Review Board met on 5 April 2019 in response to the receipt of an application from Roadshow Films Pty Ltd on 28 March 2019 to conduct the review of the film, *Hellboy*, which had previously been classified R 18+ (Restricted) with consumer advice of 'High impact violence, blood and gore' by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided an oral presentation and 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 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 Pty Ltd application for review
- (ii) Roadshow Films Pty Ltd written and oral submissions
- (iii) a written submission received from Australian Council on Children and the Media
- (iv) the film, *Hellboy*
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

Hellboy is an American/Canadian co-produced fantasy film based on the Dark Horse comic-book series, Hellboy. The film follows Hellboy, a half-demon superhero, as he travels to England in order to prevent Nimue, a witch seeking revenge against the human world from regaining her powers.

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 impact of this element is no higher than high and can be accommodated at the R 18+ classification level.

- (b) Violence

The impact of this element is no higher than high and can be accommodated at the R 18+ classification level.

- (c) Sex

This element is not present.

- (d) Language

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

- (e) Drug Use

This element is not present.

- (f) Nudity

This element is not present.

7. Reasons for the decision

Within the R 18+ classification there are virtually no restrictions on the treatment of themes. The film also contains very frequent violence that is high in viewing impact especially to a vulnerable audience. The themes and violence are, at times, inextricably linked. Examples include, but are not limited to, the following:

In the first 5 minutes there are scenes of beheading, dismemberment and impalement.

The evisceration of individuals from 20 mins to 35 mins, across various scenes, are high in impact including close up scenes of head and body injury detail.

There are additional scenes that are of a similar graphic nature that lead to the escalation of violence blood and gore culminating in a crescendo of violence against humans in the streets of London.

8. Summary

The Classification Review Board viewed *Hellboy* on its merits independently following consideration of the submission of the Distributor and an interested party.

The Board deliberates each application individually on its merits and strictly adheres to the Guidelines on a case by case basis.