



Australian Government

Classification Review Board

5 September 2016

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

MEMBERS:	Fiona Jolly (Chair) Sue Knowles Peter Price
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>Blair Witch</i> MA 15+ with the consumer advice "Strong supernatural themes".

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film MA15+, with the consumer advice 'Strong Supernatural Themes'.

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 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:

- (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 5 September 2016 in response to the receipt of an application from Roadshow Films Pty Ltd on 26 August 2016 to conduct the review of the film *Blair Witch*, which had previously been classified MA 15+ by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board viewed the film.

The Review Board heard an oral submission from the Applicant and considered a written submission from the ACCM.

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's application for review
- (ii) Roadshow Films Pty Ltd's written and oral submissions
- (iii) a written submission received from the Australian Council on Children and the Media (ACCM)
- (iv) the film, *Blair Witch*
- (v) the relevant provisions in the Classification Act, the Code and the guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

Blair Witch is a horror film with supernatural themes. The film follows James and his friends as they search for James' sister. The group venture to a camp in the Black Hills Forest where James' sister and her friends disappeared years ago. The Forest is reputedly haunted by the Blair Witch and the story focuses on James and his friends' search for a mysterious house in the Forest, where they are one by one separated and killed by an unseen enemy. .

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 themes of the film are highly suspenseful supernatural encounters with unknown entities including the Blair Witch. From the opening scene which suggests the disappearance of James' sister, there is a sense of threat and suspense as to what will happen when the group camp in the Black Hills Forrest. The suspense and sense of supernatural activity is created and at times heightened by the use of sudden loud sounds, shrieks in the distance, bangs, jump-cut editing and shaky camera footage.

In the Review Board's opinion the most impactful scenes are:

- 1) At 55 minutes, the group awake to crosses having been inexplicably erected around the site. Ashley snaps one of the crosses in half, Tahlia is heard to scream and then she is seen lying on the ground with her body and limbs lying in a manner that indicates her bones are broken. In the Review Board's opinion this supernatural suggestion of Tahlia being injured as a result of the breaking of the cross is strong in impact.
- 2) At 59 minutes, Ashley, who is running scared, stops to examine her leg, noticing blood seeping through her pants. She reveals what appears to be a swollen and infected wound. As she touches the wound pus oozes out, accompanied by a squelching noise. She touches the wound again appearing to attempt to remove a foreign object, which appears to be alive, from the wound. Sounding in significant pain, she grabs hold of the object and the audience sees a long object being pulled from her wound, accompanied by blood, pus and the sound of Ashley yelling in pain. In the Review Board's opinion this scene has a supernatural and horror impact that has more than a moderate sense of threat or menace.

At 70 minutes Lisa enters the house having been terrified by the sounds outside in the trees. During the following ten minutes until the conclusion of the movie, there is no mitigation of a sense of menace. In the Review Board's opinion the sense of menace and threat is strong in the scenes where Lisa is confronted by Laine, hit on the head and thrown into an underground shaft. She is then seen to crawl into a dirt underground tunnel where there is a strong sense of claustrophobia and she becomes increasingly panicked and distressed. This is followed by her escape from the tunnel, her immediate attack by Laine and her fleeing upstairs with unrelenting noise of being followed and imminent attack from an unidentified threat, presumably the Blair Witch. Although she finds James the two are seen huddling in a corner crying with fear, trying not to look at the source of the mysterious light (presumably the witch), when James suddenly disappears, presumably taken by the Witch. This is followed by a long scene which has the close up face of Lisa covered in blood and crying with fear, until a sudden scream at which point the camera drops and the movie ends. In the Review Board's opinion this long sequence had a strong sense of menace and threat which is justified by the context of a supernatural horror film but has a strong sense of menace. In the Review Board's opinion the impact of this element is no higher than strong and can be accommodated at the MA15+ level.

(b) Violence –

The Review Board noted two particular scenes of violence in the movie. Specifically

- 1) At 70 Minutes Lisa is confronted by Laine who implicitly hits her and then pushes her into a cellar like shaft. In the Review Board's opinion the hit is implied.
- 2) At 73 minutes Lisa escapes the tunnel and is immediately confronted by Laine. Lisa stabs Laine in the side of the neck. Laine is seen staggering backwards with the knife jutting from his neck. The scene is dimly lit and fleeting.

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

(c) Sex – There was no sex in the movie. There was very mild sexual innuendo in one scene. The impact of this element can be accommodated within a lower classification.

(d) Language – At 33 and 51 minutes the word 'fuck' was used. The impact of this element can be accommodated within a lower classification.

(e) Drug Use – There is no drug use in the movie.

(f) Nudity – There is no nudity in the movie.

7. Reasons for the decision

The Review Board determined that the highest classifiable element was 'themes' and that this element could be accommodated within an MA15+ classification. Material classified MA15+ is not suitable for minors to see. In the opinion of the Review Board the theme in much of the film was of moderate impact. However in the Review Board's opinion there are enough scenes which have a strong impact, in particular the last ten minutes sequence of the film, to provide an overall impact of the theme of the film as strong, although justified by context.

The lack of explicit visual detail and fleeting nature of a small number of violent incidents contributed to the Review Board's decision that the violence could be accommodated at a lower level.

8. Summary

In the opinion of the Review Board the impact of the classifiable element was strong. The Review Board classified the film MA15+ with consumer advice of 'strong supernatural themes'.