



Australian Government

Classification Review Board

7 June 2016

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS:	Peter Attard (Chair) Peter Price OAM Richard Williams
APPLICANT	Paramount Pictures Australia
INTERESTED PARTIES	Australian Council on Children and the Media (ACCM)
BUSINESS	To review the Classification Board's decision to classify the film <i>Teenage Mutant Ninja Turtles: Out of the Shadows</i> M with the consumer advice 'Action Violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film PG with the consumer advice 'Fantasy 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 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, R 18+ films and MA 15+ films) that cannot be recommended for viewing by persons who are under 15 years of age will be classified M.

Films (except RC films, X 18+ films, R 18+ films, MA 15+ films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians are to be classified PG.

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 7 June 2016 in response to the receipt of an application from Paramount Pictures Australia on 31 May 2016 to conduct the review of the film *Teenage Mutant Ninja Turtles: Out of the Shadows*, 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 with a written submission from the Applicant.

The Review Board was provided with a written submission from the Australian Council on Children and the Media.

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) Paramount Pictures Australia's application for review
- (ii) Paramount Pictures Australia's written and oral submissions
- (iii) a written submission received from the ACCM.
- (iv) the film, *Teenage Mutant Ninja Turtles: Out of the Shadows*
- (v) the relevant provisions in the Classification Act, the Code and the guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

The 3D live action and CGI film, sees a return of the iconic Teenage Mutant Ninja Turtles. They along with reporter April and allies, attempt to stop the evil Shredder and Krang from taking control of New York, and inevitably, the rest of the world.

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 world domination by an evil force was evident in the narrative, which had a mild sense of threat and menace, and justified by the context of the fantasy narrative. Positive themes included collaborative initiatives, team work and social inclusion. The themes were illustrated through both comedic tones and scenes, illustrating how good wins over evil, and the importance of friendship, teamwork and collaboration.

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

(b) Violence – The film contains fantasy violence that's appropriate to the context of the film.

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

At approximately 16 minutes, an action sequence commences where Shredder is being transferred to a correctional facility. A convoy consisting of a police truck being flanked by security cars, is approached by villains on motorbikes who place explosives to the sides of each of the cars. The cars explode, flip leaving a flaming wreckage. No blood detail or dead bodies are seen.

The Ninja Turtles then activate large robotic nunchucks, at the side of their truck knocking over the motor bikes and their riders. Raphael then jumps onto another motorbike and head butts the rider who is projected backwards off the bike. In first person view, Bee-bop lift his foot bringing it down with force kicking Casey unconscious. Rocksteady then punches the driver in the face and he is projected out his seat onto the road. No blood detail or dead bodies are seen.

At approximately 70 minutes, The Ninja Turtles have parachuted onto a plane on its way to Brazil, carrying the villains Rocksteady and Bee-bop. They rush at the Ninja Turtles and a martial arts style battle ensues. Bee-bop fires multiple bullets which blows the plane's cockpit apart. The pilots are forced to safely eject. No blood detail or dead bodies are seen.

At approximately 90 minutes, Krang is building a huge space-ship/war machine above NY city in an attempt for world domination. The Ninja Turtles arrive on the space ship and another martial arts battle sequence commences. This sequence includes, punches, kicks and flips as well as the use of various weapons including nunchucks, steel poles and an electronic ray gun. Leonardo proceeds to chop off the evil robot's hand, and shortly after the remainder of the Ninja Turtles assist to decapitate the robot. Donatello then quickly shoves a metal staff into the neck/body of the robot thus short circuiting it, and ending the battle.

There are no depictions of blood or detailed permanent injury during any of the above sequences.

(c) Sex – There is no sexual activity in this film.

(d) Language – there is infrequent use of offensive language in this film.

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

(e) Drug Use – there is no drug use in this film.

(f) Nudity – there is no nudity use in this film.

7. Reasons for the decision

The Review Board has unanimously determined *Teenage Mutant Ninja Turtles: Out of the Shadows*, PG, on the basis that the impact of the classifiable elements is no higher than mild.

In the opinion of the review board, the themes are justified by the context of the narrative.

The film contains fantasy violence, which is bloodless in nature, and the impact is no more than mild and justified by the fantasy nature of the film.

The element of Language can be accommodated within the PG classification.

There is no sex, drug use or nudity in the film.

The Review Board determined the consumer advice of: ‘Fantasy Violence’.

8. Summary

The Review Board unanimously determined that *Teenage Mutant Ninja Turtles: Out of the Shadows*, be classified PG, and that it should be accompanied by the consumer advice of: ‘Fantasy Violence’.