



Australian Government

Classification Review Board

Date:	15 June 2021
Members:	Sue Knowles (Chair) Peter Price AM Adam Davy
Applicant:	Universal Pictures International
Interested parties:	Isaiah Emr Andy Smith
Business:	To review the Classification Board's decision to classify the film <i>The Suicide Squad</i> , R 18+ (Restricted) with the consumer advice ' High impact violence '.

Decision and reasons for decision

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film **MA 15+**, with the consumer advice '**Strong fantasy violence, blood and gore, and frequent 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 Classification 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 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, 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 MA 15+**, and 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
- the six classifiable elements—themes, violence, sex, language, drug use and nudity.

3. Procedure

Three members of the Review Board met on 15 June 2021, in response to the receipt of an application from Universal Pictures International on 3 June 2021, to conduct the review of the film, *The Suicide Squad*, which had previously been classified **R 18+ (Restricted)** with the consumer advice '**High impact violence**' 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 was provided written submissions from the applicant, Isaiah Emr, and Andy Smith

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) Universal Pictures International application for review
- (ii) Universal Pictures International written and oral submissions
- (iii) written submissions received from the applicant, Isaiah Emr, and Andy Smith
- (iv) the film, *The Suicide Squad*
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

The *Suicide Squad* is an action fantasy film about a crew of imprisoned supervillains recruited by a secret government agency to execute a dangerous mission and save 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 film contains themes that had a moderate sense of threat and menace, and were justified by context.

The impact of this element is no higher than moderate and can be accommodated at the M level.
- (b) Violence—the film contains violence that is strong in impact and mitigated by fantasy context and comedic tone.

The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.
- (c) Sex—the film contains sexual activity that is discreetly implied and justified by context.

The impact of this element is no higher than mild and can be accommodated at the PG level.
- (d) Language—the film contains frequent strong coarse language

The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.
- (e) Drug Use—the film contains a brief reference to implied drug use.

The impact of this element is no higher than moderate and can be accommodated at the M level.
- (f) Nudity—the film contains a fleeting scene of nudity.

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

7. Reasons for the decision

The film is set in a fantasy context and a fantastic universe featuring fanciful weapons and absurd characters. The film sustains a comedic and irreverent tone throughout, employing elements of science fiction, and frequent hyper-stylised fantasy violence. The film also contains frequent strong coarse language.

The film contains themes and an implied drug reference that can be accommodated at a lower classification.

In the Review Board's view, the film warrants an MA 15+ classification, in accordance with item 4 of the Films table of the Code.

8. Summary

Pursuant to the Guidelines, the impact of the classifiable elements is no higher than strong. It is therefore the unanimous view of the Review Board that the film warrants a classification of: MA 15+ with the consumer advice of 'Strong fantasy violence, blood and gore, and frequent coarse language'.