

31 March 2022

s 9(2)(a)

By email: s 9(2)(a)

Tēnā koe s 9(2)(a)

Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) which was received by the Classification Office on 4 March 2022.

You asked:

I am writing to request all the background information into the classification into these two films *Jackass Forever* and *The Batman* which are released in February and March 2022.

I am surprised to see that these films received different classifications into what I was expecting.

In responding to your request, I have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

Response to your request

The documents enclosed with this response detail how we classified *Jackass Forever* and *The Batman*:

- Timelines of the classification process (*Jackass Forever* and *The Batman*);
- Consideration sheets (*Jackass Forever* and *The Batman*);
- Register pages (*Jackass Forever* and *The Batman*);
- Notice of decision under section 38(1) (*The Batman*);
- Correspondence with interested parties (*The Batman*).

Different sets of documents were produced during the classification process for each film because we received these films through different channels, as detailed below. Additional background information is also set out below.

Aotearoa's rating system

New Zealand has a [cross-rating system](#). This means that films rated M in Australia are normally rated M for New Zealand moviegoers by the [Film and Video Labelling Body](#) (FVLB).

The FVLB are required to submit a film to the Classification Office on behalf of the distributor if that film has been restricted in Australia or the United Kingdom, or if they consider that the film might require a restricted classification in Aotearoa.

Aotearoa's classification process

When classifying a publication, our classification team follows legal criteria in [sections 3 to 3D of the Films, Videos, and Publications Classification Act 1993](#). These criteria set out the types of potentially harmful content that we are required to look out for when examining films and other publications. They also require us to consider the effect of each publication as a whole, so individual criteria alone may not determine which classification a publication ends up with.

We must balance these criteria at all times with the right to freely impart and receive information, set out in [section 14 of the New Zealand Bill of Rights Act 1990](#).

After examining a publication, our classification team produces a record called a consideration sheet. This provides an analysis of the aspects of a publication which meet the legal criteria, and identifies any likelihood of injury to the public good that may arise from its unrestricted availability and whether an age restriction would reduce the potential for injury.

How we received and classified Jackass Forever

Jackass Forever was submitted to our office by the FVLB under [section 12\(1\) of the Act](#) on 1 December 2021. It was classified by our office on 14 December 2021.

As the consideration sheet for *Jackass Forever* notes, previous films in the *Jackass* franchise were classified R16 partly because the stunts in those films were easier for young people to replicate. Most of the stunts in *Jackass Forever* are more elaborate and far-fetched, so the film is less likely to inspire young people to replicate them and potentially harm themselves.

This is an example of how our office is required to make decisions reflecting New Zealanders' right to freedom of expression. We must apply the least restrictive classification that our society would consider reasonable and justified while preventing injury to the public good.

How we received and classified The Batman

In Australia, *The Batman* received an M rating. Under their system, M films are recommended for viewers aged 15 years and over, but this is advisory only. Children of any age can legally view a film rated M in Australia.

However, in the United Kingdom, *The Batman* was restricted to viewers aged 15 years and over due to its level of violence and disturbing content. In the United States, the film received a PG-13 rating which strongly advises parents to be cautious before allowing children under the age of 13 to attend.

Information we had regard to at this time included:

- [Australian Classification Board page on *The Batman*](#);
- [British Board of Film Classification page on *The Batman*](#); and
- [IMDb classifications page for *The Batman*](#).

Aotearoa's Chief Censor can use their powers under [section 13\(1\) of the Act](#) to "call in" a publication for classification. This happens when our office identifies a particular risk of harm to the public. New Zealanders have their own views about the level at which it is acceptable to expose children to material that may be violent, disturbing, or cruel.

We became concerned about overseas reports concerning the level of violence, cruelty, and disturbing content in *The Batman* compared to other films that were rated M in Aotearoa. We therefore felt it was important to call in and classify this film for local audiences. The Chief Censor called in *The Batman* for classification on 28 February 2022.

When a publication is called in for classification, the Secretary for Internal Affairs and the creator or distributor of the publication have the right to make written submissions to our office under [section 20 of the Act](#). The Secretary and NBCUniversal, the distributor of *The Batman*, were notified on 28 February 2022. Neither party made a submission.

After our classification team examined *The Batman* on 3 March 2022, we decided that *The Batman* went beyond what was reasonable for an unrestricted film for New Zealand audiences, and reclassified it at R13 accordingly the following day. We took a teenage member of our [Youth Advisory Panel](#) along to our viewing, who shared her perspectives and reactions of the film.

Publication of response

This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response under [section 28\(3\) of the OIA](#). Information about this process is available at ombudsman.parliament.nz or freephone 0800 802 602.

Thank you for your interest in the work of the Classification Office.

Ngā mihi nui,



David Shanks
Chief Censor
Classification Office—Te Mana Whakaatu

[Publication Search Screen](#) > Publication

Publication History for Jackass Forever

2100493.000 Film

Status History

| Status | User Name | Date |
|---------------------|-----------|------------|
| Complete | sys | 01/01/2022 |
| Decision Registered | s 9(2)(a) | 14/12/2021 |
| Classified & Signed | s 9(2)(a) | 14/12/2021 |
| Decision Affirmed | s 9(2)(a) | 10/12/2021 |
| Draft Complete | s 9(2)(a) | 09/12/2021 |
| Drafting Decision | s 9(2)(a) | 09/12/2021 |
| Examined | s 9(2)(a) | 09/12/2021 |
| Examining | s 9(2)(a) | 09/12/2021 |
| Queued | s 9(2)(a) | 01/12/2021 |
| Logged | s 9(2)(a) | 17/11/2021 |

Publication Movements

Add

| Movement | User Name | Date | Notes |
|---|-----------|------------|---|
| Pub Received | s 9(2)(a) | 01/12/2021 | Viewing at Embassy Theatre, Tuesday 07 December 2021 0930hrs 96 minutes. Decision required for 17 December 2021 |
| Direction Emailed to LB | s 9(2)(a) | 14/12/2021 | |
| Disposal Action Destroy | s 9(2)(a) | 14/12/2021 | |
| Final Docs Dispatched | s 9(2)(a) | 14/12/2021 | |

Consideration Sheet

OFLC ref: 2100493.000

Submission channel: s12(1)

Title of publication: Jackass Forever

Other known title: Not stated

Medium: Film

Distributor: Paramount Pictures International New Zealand

Director: Jeff Tremaine

Producer: Jeff Tremaine
et al.

Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

Examination transcript No: 765, p 334

Examination date: 09 December 2021

Other identifying
information:

Components Of Film

Components of film originally examined:

| | Components | Running time |
|---------------------|-----------------|--------------|
| Feature(s): | Jackass Forever | 96:00 |
| Total running time: | | 96:00 |

Components of film excised:

Released under the Official Information Act 1982

Consideration of the Publication under the Films, Videos, and Publications Classification Act 1994 (FVPC Act)

| Description |
|--|
| <i>Jackass Forever</i> is the fourth instalment in the <i>Jackass</i> reality film franchise. Filmed ten years after the previous release, the now middle-aged stars— Johnny Knoxville, Steve-O, Chris Pontius, Dave England, 'Wee Man', Ehren 'Danger' McGeheey and Preston Lacy return to perform outrageous stunts and wildly absurd practical jokes. |

| Section 3(1): the Subject Matter Gateway | |
|--|------------------|
| Does the publication describe, depict, express, or otherwise deal with matters such as: | |
| ✓ | Sex ¹ |
| <p>The feature contains some crude but low-level sexual material, and nudity.</p> <p>In the opening sequence, Pontius's scrotum and penis are decorated like a dinosaur. He uses strings to puppeteer his genitals on a miniature set of a city. An ejaculate-like substance is released from the head of the 'dinosaur' and the camera cuts to a life-size set where people are soaked with the liquid. A snapping turtle also latches onto the tip of his penis.</p> <p>The film depicts full-frontal male nudity on several occasions but not in a sexual context. Examples include:</p> <ul style="list-style-type: none"> • Ehren squashes his penis between two sheets of fibreglass and uses it as a paddle toy. Close-ups of the "penis paddle" with a mini ball are shown. • Steve-O attempts to light his fart on fire, while submerged in a vat of water. A close-up of his anus is shown while he farts and an expert applies a blowtorch to the water. • Steve-O flops his penis around before having a queen bee put on his penis. Other bees swarm the queen, covering Steve's genital area. At the end of the scene there is a close-up of the stingers stuck to his scrotum. | |
| ✓ | Horror |
| While not technically a matter of horror, there is a scene in the opening sequence where a man is caught in a port-a-loo that gets rolled around, and becomes covered in an excrement-like substance. Another man is squashed against a window and blood from his face splatters the pane. Both scenes are brief and humorous. | |
| – | Crime |

¹ Note that a publication can be found to deal with a matter such as sex if (a) the publication is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and (b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature. (s 3(1A)).

| Section 3(1): the Subject Matter Gateway | |
|---|--|
| | |
| ✓ | Cruelty |
| <p>The men perform stunts intended to inflict pain on themselves and each other, for laughs. Some of the pranks involve the performers being caught unaware and many of them involve the performers being whacked in the genitals.</p> <p>An ongoing prank involves people getting hit in the face or stomach with pressured airbags or volleyballs. Each prank leaves the targets stunned and their friends laughing uproariously.</p> <p>One of the crueller pranks involves Ehren getting tied to a chair and questioned with a lie detector. After claiming Ehren has lied about his allergy to bees, Knoxville covers him in honey and salmon before exiting the room. Thinking he is about to get swarmed by bees, Ehren becomes distressed and yells at Knoxville to let him out. Knoxville releases a bear into the room and it approaches Ehren to eat the food. In the adjourning room, Knoxville uses a remote to shock Ehren, who stifles his shouts to avoid upsetting the bear. The prank ends with Ehren trembling in fear.</p> <p>See also s3B.</p> | |
| ✓ | Violence |
| <p>Violence is low level. The men willingly participate in stunts that result in injury, but the injuries are generally not serious. Discussed further at s3B below.</p> <p>In the opening sequence, in the miniature cityscape, two soldiers are shot and two men have explosions go off behind them. Both scenes are brief, incidental, and not overly impactful.</p> | |
| – | None of the above, <u>proceed to s 3A and s 3B</u> |

| Section 3(2): Certain publications are "deemed to be objectionable" | |
|---|--|
| Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter. | |
| – | s 3(2)(a) The exploitation of children or young persons for sexual purposes |
| | |
| – | s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct |

Section 3(2): Certain publications are "deemed to be objectionable"

| | |
|--|---|
| | |
| – | s 3(2)(c) Sexual conduct with or upon the body of a dead person |
| | |
| – | s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct |
| | |
| – | s 3(2)(e) Bestiality |
| | |
| – | s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty |
| | |
| ✓ | None of the above |
| If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content? | |
| – | Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion. |
| – | No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u> |

Section 3(3): Matters to be given particular weight

If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:

| | |
|---|---|
| – | s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty |
| | |
| – | s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct |

Section 3(3): Matters to be given particular weight

| | |
|---|---|
| | |
| – | s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature |
| | |
| – | s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons |
| | |
| – | s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain |
| | |
| – | s 3(3)(b) Exploits the nudity of children or young persons |
| | |
| – | s 3(3)(c) Degrades or dehumanises or demeans any person |
| | |
| – | s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism |
| | |
| – | s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993 |
| | |
| ✓ | The publication doesn't deal with any s 3(3) criteria |

Section 3A:

Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age?

☒ Yes

☐ No

Section 3A:

Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers):

Exclamations of "fuck" and its derivatives are frequent. For example "motherfucker", "fuck you", "get the fuck out" and "fuck with them". The normalisation of this language is likely to adversely affect children by inuring them to its use.

Section 3B:

Does the publication contain any of the following material?

✓

Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria).

Many of the stunts result in cuts, grazes, large bruises, general shock and pain, and occasionally more serious injuries.

During the closing credits, behind-the-scenes footage shows England getting propelled into the air after an explosion. He shouts about a burn on his hand but this isn't shown in detail.

Some of the more dangerous and replicable stunts are discussed below.

✓

Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria).

The feature depicts a wide variety of conduct that, if imitated, could pose a real risk of serious harm to self or others. However, a lot of the stunts are not easily replicable, having been built for purpose and involving hydraulics and small explosives, or performed with the aid of professional animal handlers.

One of the more dangerous stunts shows Knoxville being charged by a bull. He is knocked off his feet, flips into the air and lands on his neck. He is briefly knocked unconscious while his friends 'ooh' and cheer. A brief close-up of his face shows him snoring. He is hospitalised with a concussion, a broken rib and a broken wrist. He is lauded as a hero.

In the 'cup test', Ehren dons a jockstrap. A heavyweight boxer punches Ehren hard in the genitals, followed by a professional hockey player and a softball pitcher also targeting Ehren's genitals. After each strike, Ehren falls to the ground in pain. The stunt ends with England using a pogo stick to jump on Ehren's crotch. This grazes Ehren's scrotum and the wound is shown in close-up as the others laugh.

Some of the more readily performable stunts include:

Section 3B:

- In the 'human ramp', BMX riders, skateboarders, and motocross riders do jumps off a ramp that is formed by people lying on top of each other and a panel of wood placed over the top person. No injuries are shown, only pain.
- The performers slide down a lubricated waterslide with a dirt pile at the base. They land hard but suffer only bruising
- A man fails to launch a makeshift hang-glide and predictably lands on a pile of cacti
- In the 'quiet game', performers are subjected to pain-inducing activities such as licking a live electric device and having a skateboard dropped onto their ankles.
- The performers walk onto a fast-moving treadmill while holding brass instruments. They immediately fall over and are thrown against a wall, with everyone landing on top of each other. Steve-O gets hospitalised with concussion and is later shown in a wheelchair and neck brace, while Knoxville receives a cut to the head.

Many stunts could not easily happen in New Zealand, such as kissing a rattlesnake (the performer predictably gets bitten on the face); having a bear or a vulture grab meat from one's crotch; and 'scorpion Botox', where a scorpion is placed on a woman's face and provoked to sting her.

| | |
|---|--|
| – | Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria). |
| – | Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria). |
| – | None of the above |

Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?

- Cause them to be greatly disturbed or shocked
- Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both
- Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned.

Discuss likely harm/s or why the content is unlikely to cause these harms:

While participants suffer mostly minor injuries, and indicate that they are in significant amounts of pain, they manage to avoid serious injury through a combination of luck and the fact that they are performing stunts in a moderately controlled environment. A majority of the pranks involve considerable set-up and planning and it is unlikely that the more extreme stunts would be easily imitated by the average viewer. The stunts that appear possible to set

Section 3B:

up result in outcomes that obviously cause considerable pain and some physical damage to participants.

The film includes a 'do not try this at home'-type disclaimer at the start and end, warning viewers that the stunts depicted have been performed under professional supervision and should not be attempted by amateurs.

Submissions & consultations (if applicable)

| | |
|---|---|
| – | Consultation or enquiries required under s 21 |
| | |
| – | Submissions received from interested parties under s 20 |
| | |

Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

The previous *Jackass* films have an R16 classification.

Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

Jackass Forever is a compilation of outrageous pranks and stunts similar to those seen in the earlier *Jackass* movies and TV series.

The film's unrestricted availability is likely to be injurious to the public good. Previous instalments in the *Jackass* franchise involve many dangerous stunts that are easily replicable and as a result these publications were classified R16. While *Jackass Forever* contains several dangerous stunts and pranks that amateurs could easily imitate, the majority of the stunts are not easily replicable, and the consequences are clearly highlighted by the injuries sustained by participants. A lower restriction is permissible.

Impressionable younger viewers may be inspired to try out risky stunts and pranks to cause pain for laughs. Most teenagers, even with their risk-taking tendencies, would be unable to replicate most of the stunts depicted and would be aware that they would be too painful to attempt. Children, however, are less likely to recognise the consequences of these risky stunts and be inclined to copy the more replicable ones. The frequent use of offensive language is unsuitable for children, and the depictions of nudity also indicate a mature intended audience.

As such the film is classified R13. This is a limitation on the right to freedom of expression but is the minimum restriction that can be applied to prevent injury to the public good.

Classification

R13

Descriptive note to cover: Offensive language and nudity

| |
|---------------------------|
| Excisions (if applicable) |
| |

| | |
|---|--|
| Display conditions (restricted publications only) | |
| Are display conditions necessary? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Reason for any display conditions: | |
| | |

Classification Office Decision

Title of publication: Jackass Forever

Other known title(s): Not stated

OFLC ref: 2100493.000

Medium: Film

Distributor: Paramount Pictures International New Zealand

Director: Jeff Tremaine

FVLB Applicant: Paramount Pictures International New Zealand

Producer: Jeff Tremaine
et al.

Country of origin: United States

Language: English

Applicant: Film & Video Labelling Body

| | |
|------------------------|---|
| Classification: | Objectionable except if the availability of the publication is restricted to persons who have attained the age of 13 years. |
|------------------------|---|

Excisions: No excisions recommended

Descriptive note: Contains offensive language and nudity.

Display conditions: None

Date of entry in Register: 14 December 2021

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

| | Components | Running time |
|---------------------|-----------------|--------------|
| Feature(s): | Jackass Forever | 96:00 |
| Total running time: | | 96:00 |

Summary of reasons for decision:

Not Applicable

Released under the Official Information Act 1982

[Publication Search Screen](#) > Publication

Publication History for The Batman

2200063.000 Film

Status History

| Status | User Name | Date |
|----------------------------|-----------|------------|
| Decision Registered | s 9(2)(a) | 04/03/2022 |
| Classified & Signed | s 9(2)(a) | 04/03/2022 |
| Date of Notice of Decision | s 9(2)(a) | 04/03/2022 |
| Decision Affirmed | s 9(2)(a) | 03/03/2022 |
| Draft Complete | s 9(2)(a) | 03/03/2022 |
| Drafting Decision | s 9(2)(a) | 03/03/2022 |
| Examined | s 9(2)(a) | 03/03/2022 |
| Examining | s 9(2)(a) | 03/03/2022 |
| Queued | s 9(2)(a) | 02/03/2022 |
| Logged | s 9(2)(a) | 28/02/2022 |

Publication Movements

| Movement | User Name | Date | Notes |
|---|-----------|------------|---|
| Pub Received | s 9(2)(a) | 01/03/2022 | Viewing at Embassy Theatre, 03/03/2022, 0930hrs. Cinema 3 |
| Direction Emailed to LB | s 9(2)(a) | 04/03/2022 | |
| Disposal Action Destroy | s 9(2)(a) | 04/03/2022 | |
| Final Docs Dispatched | s 9(2)(a) | 04/03/2022 | |

Add

Consideration Sheet

| | |
|---------------------|-------------|
| OFLC ref: | 2200063.000 |
| Submission channel: | s13(3) |

| | |
|-----------------------|----------------------------|
| Title of publication: | The Batman |
| Other known title: | Not stated |
| Medium: | Film |
| Distributor: | Universal Pictures |
| Director: | Matt Reeves |
| Producer: | Matt Reeves Dylan Clark |
| Country of origin: | United States |
| Language: | English |
| Applicant: | Chief Censor |

| | |
|--------------------------------|----------------|
| Examination transcript No: | 776, p.233-240 |
| Examination date: | 03 March 2022 |
| Other identifying information: | |

Components Of Film

Components of film originally examined:

| | Components | Running time |
|---------------------|------------|--------------|
| Feature(s): | The Batman | 176:28 |
| Total running time: | | 176:28 |

Components of film excised:

Released under the Official Information Act 1982

Consideration of the Publication under the Films, Videos, and Publications
Classification Act 1994 (FVPC Act)

| Description |
|---|
| <i>The Batman</i> is a vigilante superhero film about the popular DC character of the same name. When the Riddler begins to kill prominent figures in Gotham City and leaving clues for the Batman, Batman must solve the puzzle of corruption to work out who is next. |

| Section 3(1): the Subject Matter Gateway | |
|---|--|
| Does the publication describe, depict, express, or otherwise deal with matters such as: | |
| – | Sex ¹ |
| | |
| ✓ | Horror |
| The Riddler kills people using cruel traps which create a sense of horror and threat. Discussed further under s3(3)(a)(i). | |
| ✓ | Crime |
| The film touches on crimes such as drug dealing and corruption. The drug is a fictional one so has little impact. The Batman works with James Gordon to solve crimes. Moral ambiguity is discussed further under s 3(3)(d). | |
| ✓ | Cruelty |
| See s3(3)(a)(i). | |
| ✓ | Violence |
| See s3(3)(a)(i). | |
| – | None of the above, <u>proceed to s 3A and s 3B</u> |

¹ Note that a publication can be found to deal with a matter such as sex if (a) the publication is or contains 1 or more visual images of 1 or more children or young persons who are nude or partially nude; and (b) those 1 or more visual images are, alone, or together with any other contents of the publication, reasonably capable of being regarded as sexual in nature. (s 3(1A)).

Section 3(2): Certain publications are "deemed to be objectionable"

Does the content of the publication raise any of these issues? If it does, discuss, and conclude whether the publication promotes or supports, or tends to promote or support, that matter.

| | |
|--|---|
| – | s 3(2)(a) The exploitation of children or young persons for sexual purposes |
| | |
| – | s 3(2)(b) The use of violence or coercion to compel a person to participate in, or submit to, sexual conduct |
| | |
| – | s 3(2)(c) Sexual conduct with or upon the body of a dead person |
| | |
| – | s 3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct |
| | |
| – | s 3(2)(e) Bestiality |
| | |
| – | s 3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty |
| | |
| ✓ | None of the above |
| If the publication promotes or supports (or tends to) any of these matters, could excisions be used to remove the problematic content? | |
| – | Yes. Consider the rest of the publication under s 3(3) and s 3(4) and discuss the required excisions in the conclusion. |
| – | No. The publication is deemed to be objectionable. <u>Proceed to Conclusion</u> |

Section 3(3): Matters to be given particular weight

If any of the following criteria apply, discuss in terms of the extent and degree to which, and the manner in which, the publication:

| | |
|---|---|
| ✓ | s 3(3)(a)(i) Deals with the infliction of torture, serious physical harm, significant cruelty |
| <p>The film deals with the infliction of serious physical harm to a moderate extent but generally low degree with moments of significant cruelty and torture which have a higher impact. The tone of the action violence is grim and gritty. Batman punches and kicks his way through masked assailants in dim lighting. The impact of blows are conveyed largely through sound. Stronger moments include:</p> <ul style="list-style-type: none"> • Audio of a woman being choked to death is played. While nothing is shown, the recording is highly evocative and disturbing. • A crime boss chokes a woman with a pool cue then goes on to strangle her. The violence is protracted and disturbing. <p>The Riddler kills people with elaborate traps. These include putting a bomb around a man's neck and making him answer questions about his crimes and putting a man's head in a maze so that rats eat his face. He wraps his victims' heads in tape and writes messages on their bodies, turning them into clues. While wound detail is not shown the grim tone and what is left to the imagination is likely to shock and disturb children.</p> | |
| – | s 3(3)(a)(ii) Deals with sexual violence or sexual coercion, or violence or coercion in association with sexual conduct |
| | |
| – | s 3(3)(a)(iii) Deals with other sexual or physical conduct of a degrading or dehumanising or demeaning nature |
| | |
| – | s 3(3)(a)(iv) Deals with sexual conduct with or by children or young persons |
| | |
| – | s 3(3)(a)(v) Deals with physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain |
| | |
| – | s 3(3)(b) Exploits the nudity of children or young persons |
| | |

| Section 3(3): Matters to be given particular weight | |
|--|---|
| – | s 3(3)(c) Degrades or dehumanises or demeans any person |
| | |
| ✓ | s 3(3)(d) Promotes or encourages criminal acts or acts of terrorism |
| There is a moral ambiguity to The Riddler's crimes. Many characters in the film see his torture of corrupt public figures as justified. He mobilises an online army to continue his murder spree after he is in jail. Some impressionable younger viewers may find The Riddler's brand of cruelty and vigilante justice compelling. Even though Batman condemns Riddler's murders, the moral difference between the two characters is likely to be unclear for children. | |
| – | s 3(3)(e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of an characteristic that is a prohibited ground of discrimination specified in s 21(1) of the Human Rights Act 1993 |
| | |
| – | The publication doesn't deal with any s 3(3) criteria |

| | |
|--|--|
| Section 3A: | |
| Does the publication contain highly offensive language to such an extent or degree that it is likely to seriously harm viewers under a certain age? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Discuss (including any necessary consideration of offensive language that is not 'highly offensive' or any highly offensive language which is not likely to cause serious harm to young viewers): The film contains occasional offensive language. The word 'shit' is used as an exclamation of distress and displeasure. The word 'fucking' is used on a couple of occasions, as in "Happy fucking Halloween" and "fucking psycho". The low frequency means the language is unlikely to cause serious harm to younger viewers. | |

| | |
|---|---|
| Section 3B: | |
| Does the publication contain any of the following material? | |
| – | Harm to a person's body, including self-inflicted death, self-mutilation or harmful body modification (other than any already discussed under s 3(3) criteria). |

| | |
|---|--|
| Section 3B: | |
| | |
| - | Conduct that, if imitated, would pose a risk of serious harm to self or others (other than any already discussed under s 3(3) criteria). |
| | |
| - | Physical conduct of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria). |
| | |
| - | Visual images of a person's body that alone or with any other contents of the publication are of a degrading, dehumanising or demeaning nature (other than any already discussed under s 3(3) criteria). |
| | |
| ✓ | None of the above |
| <p>Does the extent and degree of the material make the publication likely to cause any of the following harms to young people under a specified age because of their general levels of emotional and intellectual development and maturity?</p> <ul style="list-style-type: none"> ▪ Cause them to be greatly disturbed or shocked ▪ Increase significantly the risk of them killing, or causing serious harm to, themselves, others, or both ▪ Encourage them to treat or regard themselves, others, or both, as degraded, dehumanised or demeaned. <p>Discuss likely harm/s or why the content is unlikely to cause these harms:</p> | |

| | |
|---|---|
| Submissions & consultations (if applicable) | |
| - | Consultation or enquiries required under s 21 |
| | |
| - | Submissions received from interested parties under s 20 |
| | |

Any other information to be taken into account (if relevant)

(e.g. previous OFLC decisions, decisions of other classification bodies, research, books, articles, reviews, etc.)

Chief Censor submitted this publication for classification on 28 February 2022 under s13(3) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

A member of the Youth Advisory panel attended the screening. She thought that the torture and portrayal of online radicalisation made the film unsuitable for children. She suggested a classification of R13.

Conclusion

- In addition to all of the above matters, consider relevant s 3(4) matters: the dominant effect of the publication, character of the publication (including any merit, value or importance), impact of the medium, intended or likely audience, intended purpose, and any other relevant circumstances relating to its use
- Identify any likely injury to the public good from the unrestricted availability of the publication
- Determine the classification, taking into account the New Zealand Bill of Rights Act 1990 (NZBORA) and the need to impose the least restrictive limitation on the right to freedom of expression that will prevent injury to the public good

The Batman is a relentlessly grim imagining of the Batman character. It is likely to have broad appeal because of the popularity of the character and the superhero genre.

The serial killer plotline and torture imagery makes the film unsuitable for children. Children are likely to be shocked and disturbed by both the crime scene imagery and scenes of terrified men in traps. Teenagers and adults are likely to be able to contextualise this as a fantasy narrative.

Balancing these harms against the right to freedom of expression, *The Batman* is classified R13. This is the lowest reasonable limit on that right to prevent injury to the public good.

Classification

R13

Descriptive note to cover: Violence, cruelty and offensive language

| |
|---------------------------|
| Excisions (if applicable) |
| |

| | |
|---|--|
| Display conditions (restricted publications only) | |
| Are display conditions necessary? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Reason for any display conditions: | |
| | |

Classification Office Decision

Title of publication: The Batman

Other known title(s): Not stated

OFLC ref: 2200063.000

Medium: Film

Distributor: Universal Pictures

Director: Matt Reeves

Producer: Matt Reeves
Dylan Clark

Country of origin: United States

Language: English

Applicant: Chief Censor

| | |
|------------------------|---|
| Classification: | Objectionable except if the availability of the publication is restricted to persons who have attained the age of 13 years. |
|------------------------|---|

Excisions: No excisions recommended

Descriptive note: Violence, cruelty and offensive language

Display conditions: None

Date of entry in Register: 04 March 2022

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 04 March 2022

| | Components | Running time |
|---------------------|------------|--------------|
| Feature(s): | The Batman | 176:28 |
| Total running time: | | 176:28 |

Summary of reasons for decision:

The film was cross-rated M from Australia with a note for 'Sustained threat, violence and coarse language'. The Chief Censor called the film in for classification due to concerns that the content of this film may be unsuitable for unrestricted release in New Zealand.

The Classification Office has determined that the film's unrestricted availability is likely to be injurious to the public good. The Batman is a relentlessly grim imagining of the Batman character. It is likely to have broad appeal because of the popularity of the character and the superhero genre.

However, the level of cruelty in this film is inconsistent with films at the unrestricted level. The serial killer plotline and torture imagery make the film unsuitable for children who are likely to be shocked and disturbed by both the crime scene imagery and scenes of terrified men in traps. Teenagers and adults are likely to be able to contextualise this as a fantasy narrative.

Balancing these harms against the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990, The Batman is classified R13. This is the lowest reasonable limit on that right to prevent injury to the public good.

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Notice of Decision under Section 38(1)

TO: Chief Censor

Title of publication: The Batman

Other known title: Not stated

OFLC ref: 2200063.000

Medium: Film

Distributor: Universal Pictures

Director: Matt Reeves

Producer: Matt Reeves
Dylan Clark

Country of origin: United States

Language: English

| | |
|------------------------|---|
| Classification: | Objectionable except if the availability of the publication is restricted to persons who have attained the age of 13 years. |
|------------------------|---|

Excisions: No excisions recommended

Descriptive note: Violence, cruelty and offensive language

Display conditions: None

| | Components | Running time |
|---------------------|------------|--------------|
| Feature(s): | The Batman | 176:28 |
| Total running time: | | 176:28 |

A direction has been given to the Film and Video Labelling Body Inc. to issue a label for this publication.

Reasons for the Decision

The Office of Film and Literature Classification (Classification Office) examined the publication and recorded the contents in an examination transcript. A written consideration of the legal criteria was undertaken. This document provides the reasons for the decision.

Submission procedure:

The Chief Censor submitted this film for classification on 28 February 2022 under s13(3) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). The film has been cross-rated for release in New Zealand with its Australian M rating. The Australian rating has a note for 'Sustained threat, violence and coarse language'. The film has been classified 15 in the UK with a note for 'Strong threat and violence'. It has received restricted classifications in many other jurisdictions. The Chief Censor made the decision to call the film in for classification because of concerns that the content may be inappropriate for New Zealand audiences at the M level.

The Batman is a vigilante superhero film about the popular DC character of the same name. When The Riddler begins to kill prominent figures in Gotham City and leave clues for The Batman, Batman must solve the puzzle of corruption to work out who is next.

The film deals predominantly with matters of violence, cruelty and crime, with elements of horror. The tone of the action violence is grim and gritty.

The film deals with the infliction of serious physical harm to a moderate extent but generally low degree with spikes of higher impact cruelty and torture. The tone of the action violence is grim and gritty. Batman punches and kicks his way through masked assailants in dim lighting. The blows are conveyed largely through high impact sound effects. Stronger moments include:

- Audio of a woman being choked to death is played. While nothing is shown, the recording is highly evocative and disturbing.
- A crime boss chokes a woman with a pool cue then goes on to strangle her. The violence is protracted and disturbing.

The Riddler kills people with cruel and elaborate traps. These include putting a bomb around a man's neck and making him answer questions about his crimes and putting a man's head in a maze so that rats eat his face. He wraps his victims' heads in tape and writes messages on them, and leaves cards with clues addressed to the Batman. While wound detail is not shown, the grim tone and what is left to the imagination is likely to shock and disturb children.

There is a moral ambiguity to The Riddler's crimes. Many characters in the film see his torture of corrupt public figures as justified. He mobilises an online army to continue his murder spree after he is in jail.

The film contains occasional highly offensive language. The word 'shit' is used as an exclamation of distress and displeasure. The word 'fucking' is used on a couple of occasions, as in "Happy fucking Halloween" and "fucking psycho". The low frequency means the language is unlikely to cause serious harm to younger viewers.

The Classification Office has determined that the film's unrestricted availability is likely to be injurious to the public good.

The Batman is a grim imagining of the Batman character. It is likely to have broad appeal because of the popularity of the character and the superhero genre.

The level of cruelty in this film is inconsistent with films at the unrestricted level. The serial killer plotline and torture imagery makes the film unsuitable for children. Children are likely to be shocked and disturbed by both the crime scene imagery and scenes of terrified men in traps. Teenagers and adults are likely to be able to contextualise this as a fantasy narrative.

A member of the Classification Office's Youth Advisory Panel attended the screening and was asked to provide an opinion on the content of the film. She thought that the way the film dealt with torture and online radicalisation was likely to have a strong impact on younger viewers.

Balancing these harms against the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990, *The Batman* is classified R13. This is the lowest reasonable limit on that right to prevent injury to the public good.

Date: 04 March 2022

Note:

You may apply to have this publication reviewed under s47 of the FVPC Act if you are dissatisfied with the Classification Office's decision.

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From: Rupert Ablett-Hampson
Sent: Monday, 28 February 2022 4:14 pm
To: Submissions
Subject: FYI: Notice of Chief Censor's "call in" : The Batman [OFLC 2200063]

From: John Michael [mailto:John.Michael@dia.govt.nz]
Sent: Monday, 28 February 2022 4:11 pm
To: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>
Subject: RE: Notice of Chief Censor's "call in" : The Batman

Hi Rupert

Just letting you know we wont be making a submission on this.

Kind regards

JP

From: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>
Sent: Monday, 28 February 2022 2:08 PM
To: John Michael <John.Michael@dia.govt.nz>
Cc: Submissions <submissions@classificationoffice.govt.nz>
Subject: Notice of Chief Censor's "call in" : The Batman

Kia ora JP,

David has "called in" the Batman film to be released later this week. His reasons are outlined below.

The legislation provides that the Secretary for Internal Affairs may make written submissions on any publication submitted under section 13.

The film is due to be released later in the week. I spoke with Universal Pictures International NZ and they are arranging a screening as soon as possible. We'll be looking to move fast to have the film classified before its release.

Please let me know if DIA wish to file any submissions on behalf of the Secretary so I can build that into this very short timeframe. Don't hesitate to give me a call if you want.

Ngā mihi nui,

Rupert

Te Mana Whakaatu
CLASSIFICATION OFFICE
Kōrerotahi Mātakitahi

Rupert Ablett-Hampson (he/him)

Kairāhui Whakaaturanga Tuarua | Deputy Chief Censor

Te Mana Whakaatu | Classification Office

Phone : +64 22 620 0831

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From: Rupert Ablett-Hampson

Sent: Monday, 28 February 2022 1:08 pm

To: 'tony.bald@nbcuni.com' <tony.bald@nbcuni.com>

Cc: Submissions <submissions@classificationoffice.govt.nz>; Sharon <sharon@fvlb.org.nz>; 'Nicola Denney' <nicola@fvlb.org.nz>

Subject: Notice of Chief Censor's "call in" : The Batman

Dear Mr Bald,

I have been advised that Universal Pictures International NZ is the distributor of the film THE BATMAN (the film) (our reference 2200063.000).

The purpose of this email is to inform you that David Shanks, New Zealand's Chief Censor has determined under section 13(3) of the Films, Videos, and Publications Classification Act 1993 (the Act) that the film should be examined by the Classification Office for classification under section 23 of the Act.

This film has been classified as M in Australia which would, without intervention, result in the Film & Video Labelling Body issuing an M label in New Zealand. Some other jurisdictions however have imposed some form of restriction on the film, in particular the UK the film has a 15 rating on the basis of strong threat and violence. In the circumstances the Chief Censors views it as appropriate to have the film classified.

We are aware of the imminent release of the film and we will do all we can to progress the classification quickly. We look forward to you providing a means of examining the film.

Please do not hesitate to contact me if necessary.

Yours sincerely,

Rupert Ablett-Hampson



Rupert Ablett-Hampson (he/him)

Kairāhui Whakaaturanga Tuarua | Deputy Chief Censor

Te Mana Whakaatu | Classification Office

Phone : +64 22 620 0831

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From: Rupert Ablett-Hampson
Sent: Tuesday, 1 March 2022 2:59 pm
To: Bald, Tony (NBCUniversal)
Cc: Submissions; Sharon; Nicola Denney
Subject: RE: Notice of Chief Censor's "call in" : The Batman

Dear Tony,

Thanks for the call earlier today. I can confirm that the team can get to the Embassy for Thursday morning at 9.30am.

I'm sorry but I didn't write down the cinema number, if you've got that it would be good.

Kind regards,

Rupert



Rupert Ablett-Hampson (he/him)

Kairāhui Whakaaturanga Tuarua | Deputy Chief Censor

Te Mana Whakaatu | Classification Office

Phone : +64 22 620 0831

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From: Bald, Tony (NBCUniversal) [mailto:Tony.Bald@nbcuni.com]
Sent: Monday, 28 February 2022 4:48 pm
To: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>
Cc: Submissions <submissions@classificationoffice.govt.nz>; Sharon <sharon@fvlb.org.nz>; Nicola Denney <nicola@fvlb.org.nz>
Subject: RE: Notice of Chief Censor's "call in" : The Batman

Hi Rupert

Still haven't heard from The Embassy but got hold of the programming manager here in Auckland who informed me that due to the current conditions they are not staffing the venue most mornings so tomorrow will be out I am afraid. He is going to try and organize Wednesday morning however he feels it will most likely be Thursday when they had extra staff on for the release of THE BATMAN (ironically)

I will keep you up to date with any response I get however I would think Wednesday earliest at this stage

Apologies for not having anything more concrete

Tony

From: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>
Sent: Monday, 28 February 2022 4:41 PM
To: Bald, Tony (NBCUniversal) <Tony.Bald@nbcuni.com>

Cc: Submissions <submissions@classificationoffice.govt.nz>; Sharon <sharon@fvlb.org.nz>; Nicola Denney <nicola@fvlb.org.nz>

Subject: [EXTERNAL] RE: Notice of Chief Censor's "call in" : The Batman

Thank you for that update Tony. I do have a team who can attend a screening tomorrow morning if you are able to confirm before the end of today.

Ngā mihi nui,

Rupert

From: Bald, Tony (NBCUniversal) [<mailto:Tony.Bald@nbcuni.com>]

Sent: Monday, 28 February 2022 2:52 pm

To: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>

Cc: Submissions <submissions@classificationoffice.govt.nz>; Sharon <sharon@fvlb.org.nz>; Nicola Denney <nicola@fvlb.org.nz>

Subject: RE: Notice of Chief Censor's "call in" : The Batman

Hi Rupert

Nice talking to you earlier.

As per the below I have emailed the Embassy to book a screen for the OFLC to view and will let you know as soon as I hear back from them (I have also tried calling but no one is answering)

Regards

Tony

From: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>

Sent: Monday, 28 February 2022 1:08 PM

To: Bald, Tony (NBCUniversal) <Tony.Bald@nbcuni.com>

Cc: Submissions <submissions@classificationoffice.govt.nz>; Sharon <sharon@fvlb.org.nz>; Nicola Denney <nicola@fvlb.org.nz>

Subject: [EXTERNAL] Notice of Chief Censor's "call in" : The Batman

Dear Mr Bald,

I have been advised that Universal Pictures International NZ is the distributor of the film THE BATMAN (the film) (our reference 2200063.000).

The purpose of this email is to inform you that David Shanks, New Zealand's Chief Censor has determined under section 13(3) of the Films, Videos, and Publications Classification Act 1993 (the Act) that the film should be examined by the Classification Office for classification under section 23 of the Act.

This film has been classified as M in Australia which would, without intervention, result in the Film & Video Labelling Body issuing an M label in New Zealand. Some other jurisdictions however have imposed some form of restriction on the film, in particular the UK the film has a 15 rating on the basis of strong threat and violence. In the circumstances the Chief Censors views it as appropriate to have the film classified.

We are aware of the imminent release of the film and we will do all we can to progress the classification quickly. We look forward to you providing a means of examining the film.

Please do not hesitate to contact me if necessary.

Yours sincerely,

Rupert Ablett-Hampson



Rupert Ablett-Hampson (he/him)

Kairāhui Whakaaturanga Tuarua | Deputy Chief Censor

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From: [Submissions](#)
To: john.michael@dia.govt.nz
Cc: [Rupert Ablett-Hampson](#)
Subject: Decision for The Batman [OFLC 2200063]
Date: Friday, 4 March 2022 10:43:00 am
Attachments: [Decision - The Batman \[OFLC 2200063\].pdf](#)
[image001.png](#)

Kia ora John

The promised decision document is attached.

Please contact us require further information regarding the decision.

Ngā mihi

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s 9(2)(a) s 9(2)(a)

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Te Mana Whakaatu | Classification Office

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From: Submissions
Sent: Friday, 4 March 2022 10:23 am
To: john.michael@dia.govt.nz
Subject: Register page for The Batman [OFLC 2200063]

Tēnā koe John Michael

Please find attached a copy of the Register page for **The Batman [OFLC 2200063]**.
This film was 'called-in' by the Chief Censor.

The register page contains the rating determined by the classification process, and a summary of the decision.

A full decision document will be emailed to you later today.

If you are dissatisfied by the decision, you may apply for a review by the Film and Literature Board of Review under s47 of the Films, Videos, and Publications Classification Act 1993.

There is a strict application period attached to making an appeal, the Board's administrator will be able to provide you with details.
Information about that process is found [here](#).

Regards,

s 9(2)(a) s 9(2)(a)

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From: [Submissions](#)
To: ["Tony.Bald@nbcuni.com"](mailto:Tony.Bald@nbcuni.com)
Cc: [Rupert Ablett-Hampson](#)
Subject: Decision - The Batman [OFLC 2200063]
Date: Friday, 4 March 2022 10:42:00 am
Attachments: [Decision - The Batman \[OFLC 2200063\].pdf](#)
[image001.png](#)

Kia ora Tony

The promised decision document is attached.

Please contact us require further information regarding the decision.

Ngā mihi

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s 9(2)(a) s 9(2)(a)

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From: Submissions
Sent: Friday, 4 March 2022 10:01 am
To: Tony.Bald@nbcuni.com
Cc: Rupert Ablett-Hampson <Rupert.Ablett-Hampson@classificationoffice.govt.nz>
Subject: Register page for The Batman [OFLC 2200063]

Kia ora Tony

Please find attached a copy of the Register page for **The Batman [OFLC 2200063]**. This contains the rating, content warnings, and a summary of the decision for the rating.

A full decision document will be emailed to you later today.

If you are dissatisfied by the decision, you may apply for a review by the Film and Literature Board of Review under s47 of the Films, Videos, and Publications Classification Act 1993.

There is a strict application period attached to making an appeal, the Board's administrator will be able to provide you with details.

Information about that process is found [here](#).

Regards,

s 9(2)(a) s 9(2)(a)

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DDI: **s 9(2)(a)**

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From: [Submissions](#)
To: ["Sharon"; "Nicola Denney"](#)
Subject: Decision document - The Batman [OFLC 2200063]
Date: Friday, 4 March 2022 10:48:00 am
Attachments: [image001.png](#)
[Decision - The Batman \[OFLC 2200063\].pdf](#)

Kia ora Sharon

The decision document for The Batman [OFLC 2200063] is attached.

Please contact us if you require further information regarding the decision.

Ngā mihi

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s 9(2)(a) s 9(2)(a)

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