



Australian Government
Classification Review Board

7 December 2006

MEDIA RELEASE

Review Board determines *Viva Erotica* X 18+

The full seven-member Classification Review Board has determined, in a unanimous decision, that the film, *Viva Erotica* is classified **X 18+**. Films classified **X 18+** carry the consumer advice, "Explicit sex".

X18+ is a special and legally restricted classification category for films that contain only sexually explicit material. **X 18+** films contain real depictions of actual sexual intercourse and other sexual activity between consenting adults. Films classified **X 18+** can only legally be sold or hired in the Australian Capital Territory and the Northern Territory from premises licensed to sell **X 18+** DVDs and videotapes. People must be aged 18 years or older to be able to buy or hire **X 18+** films from these premises.

In the Classification Review Board's opinion, *Viva Erotica* warrants an **X 18+**, rather than an R 18+ classification, because it is a film primarily concerned with depicting real sexual activity between consenting adults for the great majority of its running time. It does not have, nor has the applicant (AdultShop.com Ltd) claimed it has, what would ordinarily be considered to be "artistic merit" or other elements that the Review Board would consider in determining if a film's content should be classified in one category or another.

Classification Review Board Convenor, Maureen Shelley said, "The *Guidelines for the Classification of Films and Computer Games* were recently reviewed and reissued in May 2005. This process included a call for public submissions and the results of this review were agreed upon by State and Territory Ministers with censorship responsibilities. As such, the Guidelines represent community standards. The Classification Review Board has received no reliable evidence, by way of expert opinion or surveys submitted by Adultshop or otherwise, that there has been a shift in current community standards such that content ordinarily classified in the **X 18+** category could be now acceptable in the R 18+ classification category."

The Classification Review Board convened in response to an application from the distributor, AdultShop.com Ltd, to review the **X 18+** classification of *Viva Erotica* made by the Classification Board on 3 October 2006. The Classification Review Board also received written and oral submissions from the NSW Council for Civil Liberties and the Australian Family Association.

In reviewing the classification, the Classification Review Board worked within the framework of the National Classification Scheme, applying the provisions of the *Classification (Publications, Films and Computer Games) Act 1995*, the National Classification Code and the Guidelines for the Classification of Films and Computer Games.

The *Guidelines for the Classification of Films and Computer Games 2005* state that films classified **X18+** cannot contain any depictions of violence, sexual violence, sexualised violence, sexually assaultive language or coercion. They may not contain certain fetishes. All depictions of characters must be consenting adults. The classification does not permit the depiction of non-adult persons, including those aged 16 or 17.

The Classification Review Board is an independent merits review body. Meeting in camera, it makes a fresh classification decision upon receipt of an application for review. This Review Board decision takes the place of the original decision made by the Classification Board.

The Review Board's reasons for this decision will appear on the OFLC website when finalised.

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