

## SUMMARY OF REASONS FOR DECISION

Under the Films, Videos, and Publications Classification Act 1993 (FVPC Act)

### HEADNOTE

<b>Title of publication:</b>	Orphans And Kingdoms
<b>Other known title(s):</b>	Orphans & Kingdoms (Final Cut)
<b>OFLC ref:</b>	1600066.000
<b>Medium:</b>	Film (online)
<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years, or who are accompanied by a parent or guardian.
<b>Descriptive note:</b>	Violence, offensive language, nudity, drug use and suicide
<b>Display conditions:</b>	None

The publication is the New Zealand film *Orphans And Kingdoms*. Jeremy returns to his home on Waiheke Island to find a group of three teenagers, Tibs (the oldest), Jesse, and Kenae, have broken into his home. Kenae, the youngest, knocks him unconscious. Jesse falls and breaks his leg. The teenagers tie Jeremy up and terrorise him, however they find themselves in need of his help as they are unable to move Jesse. Jeremy is freed and takes control of the situation, making the teenagers clean up after themselves. In an unexpected turn of sympathy Jeremy helps them get Jesse off Waiheke Island and evade the police. As Jeremy helps them return to the mainland, it becomes increasingly apparent that he had a troubled relationship with his son Scotty, who recently took his own life. A notable theme of the film is Kenae's search for his father, which is mirrored by Jeremy's grief, guilt, and regret over the loss of Scotty.

A previous version of the film was classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years, or who are accompanied by a parent or guardian (OFLC Ref: 1400550.000). The decision was registered on 9 July 2014. The previously classified version had a running time of approximately 84 minutes. The current publication has a shorter running time of approximately 74 minutes, with some scenes removed, some structural changes, and a few scenes that are edited differently.

The publication deals with matters of sex, crime, cruelty and violence under s3(1) of the FVPC Act. The publication does not contain any material relevant to s3(2).

The publication at points deals with sexual manipulation. Early in the film Jeremy returns home and is suddenly confronted by Tibs. Uncertain what to do, she first welcomes him home. Jeremy tells her to get out. When he approaches her she suddenly bares her breasts at him, causing him to back away. The nudity is confrontational and occurs in a charged atmosphere. While it is not part of a sexual advance, it could be regarded as the use of sexuality for the purpose of manipulation. Later Tibs starts to seduce Jeremy. They start to kiss with Jeremy throwing Tibs onto a bed. Suddenly he stops and asks Tibs what she is doing. No sex occurs.

In a later scene Tibs attempts a more direct sexual manipulation. In the morning Jeremy asks the three for a relative's phone number, saying that if he doesn't get a number he can call then he is going to call the police. Tibs responds by trying to blackmail Jeremy, "You're not going to call the police, you tried it on with me and you beat the shit out of him (Jesse), or did you try it on with him too? What are you doing with three kids in your house anyway? Everyone knows you're a lonely guy."

The constant theme running through the sexual material is the willingness or, out of desperation, need to exploit your sexuality in order to survive. While this theme is subtly portrayed, it does require a degree of maturity to correctly contextualise.

In terms of s3(3)(a)(i) the publication deals with the infliction of serious physical harm and significant cruelty. Immediately after Jeremy is surprised by Tibs baring her breasts at him, Kenae hits him hard from behind with a hockey stick, knocking him unconscious.

When Jeremy regains consciousness he is tied to a chair. Kenae says he is going to "sort it" and gets a large knife from the kitchen. In a charged scene Kenae threatens Jeremy with the knife while Tibs pleads with him to stop. Jeremy is distraught with grief. He unexpectedly tells Kenae to "do it". Kenae backs away in fear and confusion at Jeremy's response.

After Jeremy frees himself he threatens Kenae holding him down with a hockey stick across his neck. In anger he yells at Kenae, "My son is dead and you are alive, how does that work?"

In terms of s3(3)(d) the publication deals extensively with matters of crime. Apart from the violent home invasion which is considered above, the publication depicts other crime such as shoplifting at a convenience store. These scenes are relatively short and incidental. This leads on to what turn out to be a violent home invasion, which forms a major part of the film.

The publication also depicts the teenagers smoking cannabis and taking prescription drugs prior to Jeremy's arrival home. The three are shown smoking cannabis through a hollowed out apple, and one of them is briefly shown taking pills that are found in the bathroom. The soundtrack during these scenes is sombre, and gives them a sense of foreboding.

While the violence, cruelty, crimes appear largely bereft of consequences, they are presented in a manner which is neither trivialised nor sensationalised. The violence and criminal acts are well contained by the publication's plot which centres around an examination of difficult themes including Jeremy's grief and guilt, and the teenagers' experience of abandonment.

In terms of s3A the publication contains regular use of highly offensive language. This occurs mostly in dialogue from Kenae, and is mostly in the context of New Zealand street language. Some of the language is intimidating and aggressive. One example includes Kenae telling Jeremy, "If you try anything I'll fuck you up." At another point Kenae comments on Jesse's broken leg saying "it's fucking munted".

In terms of s3B the publication deals with suicide. At the end of the film Jeremy is taking the teenagers back to the mainland on the ferry. He sees Kenae climb onto the railing as if he is about to jump into the sea. Jeremy grabs Kenae off the railing, and prevents him from jumping. This scene is intercut with a flashback scene showing Jeremy arriving home. When he opens the garage door he sees Scotty's feet dangling in front of him, implying he has hung himself from the

garage ceiling. Jeremy is then shown beside himself with grief, weeping on the garage floor, and cradling the body of his dead son.

The publication focuses on the emotional impact of suicide, but does not depict any detail in terms of a possible method. The publication does however depict suicide as a potentially viable solution to a difficult life problem, and an effective way of taking revenge on those who are perceived to have failed you, by making them suffer with guilt and regret. While not instructional the depiction is likely to increase the risk of suicide of younger viewers who might be vulnerable. Ultimately the publication deals with youth suicide in a thoughtful and profound manner, however a degree of maturity is required to correctly understand this treatment. The scene's focus on Jeremy's extreme grief and distress is likely to be significantly upsetting for viewers of any age who have been affected by suicide.

The dominant effect of the publication is of a contemporary New Zealand tale about a home invasion. On a deeper level the publication is an examination of big themes such as grief, guilt, regret, abandonment, and class in New Zealand society. The publication has considerable artistic and cultural merit. It has a recognisable and contemporary New Zealand setting, and thoughtfully examines a number of important issues. The publication furthermore has considerable social merit due to its thought-provoking treatment of youth suicide.

The New Zealand Bill of Rights Act states that everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form. With the current publication the right to freedom of expression needs to be restricted due to its depictions of violence, cruelty, criminal acts, and suicide.

The depictions of violence and cruelty are at times callous and likely to greatly shock and disturb children and younger teenagers. Furthermore this material occurs in the context of a violent home invasion, which is a serious criminal act. Other criminal acts include drug use, which is depicted as an enjoyable activity. While the consequences of criminal acts are not apparent, any promotional aspect is significantly mitigated by the thoughtful, non-sensationalised, and non-trivialising manner in which they are treated.

The sexual material deals with the theme of exploiting one's own sexuality for survival. If this material was not properly contextualised by younger viewers, there is a likelihood that it would adversely affect development of healthy attitudes toward sexuality. Highly offensive language is likely to cause serious harm to children by inuring them to such language and encouraging them to use it for themselves.

Youth suicide in particular is a difficult and complex issue, and the publication's treatment of it requires a measure of maturity to fully apprehend. Any increase in the risks of suicide by vulnerable younger viewers, or greatly shocking and disturbing of younger viewers who have been affected by suicide, is likely to be sufficiently alleviated by a conversation with an older parent or guardian, who will be able to contextualise the issues at hand.

Similarly many of the other injuries to the public good related to violence, cruelty, criminal acts, and the sexual material, are likely to be sufficiently alleviated through contextualisation, and understanding of the complex themes the film deals with. Children and younger teenagers do not necessarily possess the intellectual and emotional maturity to correctly understand such complex themes. However, with the current publication, a conversation with an older parent or guardian who has accompanied a young person during the viewing is likely to be sufficient to explain and

clarify the issues dealt with in the film, and in that manner mitigate any likely injury to the public good.

Given the film's inherent artistic, cultural, and social merit the case for widening its availability in limited circumstances to children and young persons is further strengthened. The publication is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years or who are accompanied by a parent or guardian. This restriction on availability is the minimum necessary to prevent likely injury to the public good.

**Note:**

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