

## WRITTEN REASON FOR DECISION SECTION 12

TITLE OF PUBLICATION: I Know What You Did Last Summer

OFLC REF:9800065

The publication was examined and the contents were recorded in an examination transcript. A written consideration of the legal criteria was undertaken. This document provides a summary of the reasons for the decision.

### HEADNOTE

**Decision:**

The Classification Office has classified this 35mm film as:

**Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.**

**Display Conditions:**

Nil.

**Descriptive Note:**

Contains violence.

### DECISION

**Submission Procedure:**

The Labelling Body submitted the 35mm film, entitled *I Know What You Did Last Summer*, to the Office of Film and Literature Classification (the Classification Office) for classification under s12(1) of the Films, Videos, and Publications Classification Act 1993 (the FVPC Act).

Under s23(1) of the FVPC Act, the Classification Office is required to examine and classify the film.

Under s23(2) of the FVPC Act, the Classification Office must determine whether the film is to be classified as unrestricted, objectionable or objectionable except in certain circumstances.

### **Description of the Publication:**

*I Know What You Did Last Summer* has a running time of 101 min 9 sec.

The film is a horror about a group of school leavers, Helen and Barry, and Julie and Ray, whose Fourth of July celebrations end in disaster when they accidentally hit a man while driving home on a deserted coast road. Presuming he is dead, they plan to dispose of his body. The man revives and grabs Helen's beauty pageant tiara as they attempt to dump his body off the wharf. Barry knocks him out and they push him into the water. Barry rescues the tiara, fighting the man off under water. They make a pact to take this secret to their graves and carry on with their various future plans. Julie reads that the body of David Egan was found washed up by police, who believed that he fell and drowned accidentally.

When Julie returns home the following summer the group begin to receive cryptic notes and are stalked by a man wearing a fishing coat and wielding a hook. Julie visits David Egan's sister in a bid to uncover the identity of the threatening man. After talking to her Julie realises that they did not kill him. Rather, the father of his dead fiancée, who died tragically in a car accident from which David survived, killed him. Their victim was none other than the embittered father, who had survived and was bent on revenge. He kills Helen and Barry and various others who get in his way. He captures Julie on his fishing boat, but Ray manages to board the craft and tries to save her. During the scuffle the killer becomes entwined in ropes and thrown into the sea. Believing him to be dead, Julie and Ray live their lives happily, until one year later, Julie receives a terrifying message on the shower door. The film ends with the killer in mid-flight as he bursts through the door at her.

### **The meaning of “objectionable”:**

Section 3(1) of the FVPC Act sets out the meaning of the word “objectionable”. The section states that a publication is objectionable if it:

*...describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.*

In classifying this film the main question is whether it deals with matters of violence in such a manner that the availability of the film is likely to be injurious to the public good.

#### *Matters of violence:*

The film contains dramatic violent episodes in which a killer stalks and murders people using a hook to impale them. The violence is very dramatic, being hyped up with preceding tension

using sinister music and filming which leads the audience to suspect the outcome to be brutal. In keeping with the horror genre, this is intended to shock and frighten.

The extent, degree and manner of the presentation of the infliction of serious physical harm in the film is discussed below under the relevant criteria.

### **Certain publications are deemed to be objectionable:**

Pursuant to s3(2) of the FVPC Act, a publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities listed in that subsection.

The Classification Office has considered all the matters in s3(2). None of the activities listed in s3(2) are considered to be relevant to this publication.

### **Matters to be given particular weight:**

Section 3(3) of the FVPC Act deals with the matters which the Classification Office must give particular weight to in determining whether or not a publication (other than a publication deemed to be objectionable under s3(2)) is objectionable, or should be given a classification other than objectionable.

The Classification Office has considered all the matters in s3(3). The only matter which it considers relevant to the publication is that set out in s3(3)(a)(i), namely:

*...the extent and degree to which, and the manner in which, the publication describes, depicts or otherwise deals with acts of torture, the infliction of serious physical harm, or acts of significant cruelty.*

The scenes of violence present the infliction of serious physical harm in an over dramatised manner. Initially a man is accidentally hit by a car. The occupants panic and decide to dispose of the body of the victim, presuming that they have killed him. They panic when he becomes conscious, punch him, push him into the water and leave him to drown. The man survives and stalks the group. He kills two of them and various others along the way. The method of his attacks is brutal and vicious. He uses a hook to stab his victims, slashing their stomachs and throats. He is eventually stopped, after engaging in a lengthy fight with two characters. He becomes entangled in ropes, severs his hand, and is flung into the sea and left for dead.

The scenes of violence are focused upon and dramatic, but are very brief. The infliction of serious physical harm portrayed is graphic in showing the gory details, but the presentation of the wounds inflicted are infrequently revisited. The violence is hyped up, intended to frighten and dominates the feature and therefore this matter is attributed significant strength.

### **Additional matters to be considered:**

Under s3(4) of the FVPC Act, the Classification Office must also consider the following additional matters:

*The dominant effect of the publication as a whole:*

The film is a horror dominated by scenes of violence. The theme is retribution pursued in an "eye-for-an-eye" fashion, by a vicious man who stalks and terrorises his victims, killing others indiscriminately to get to them. The main effect of this is suspense aimed to evoke fear in the audience.

*The impact of the medium in which the publication is presented:*

The film is likely to be shown in mainstream cinemas and later to become available in video format for wider release. The cinematic display will allow large screen digital sound presentations in a public area, while the video format will allow greater distribution and will facilitate repeated viewing in a private setting.

*The character of the publication, including any merit, value, or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, or other matters:*

The film is a large budget production. There is no particular social merit or value in the film as it presents violence as entertaining.

*The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available:*

The high impact of the scenes of violence in the film means that it is likely to be aimed at an audience of older adolescents and adults.

*The purpose for which the publication is intended to be used:*

The film is intended to entertain.

## **Conclusion:**

The film entitled *I Know What You Did Last Summer* is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years. This restriction is imposed because the film contains significant violent content. The violent sequences impact with strength and this matter is therefore given significant weighting under the FVPC Act. The violent episodes dominate the film and are contextualised in the horror genre and theme of "eye-for-an-eye" retribution. The violence is mainly perpetrated by a vengeful character stalking a group of older teenagers.

He kills a number of people in a bloody manner. Each instance has a protracted lead up full of suspense and tension. This enhances the intensity of the violent episodes which, although gory, are in themselves brief.

Given the extent of violence, which is heightened in intensity with an aim to create suspense and entertain the audience, there would be injury likely to be caused to the public good if the film were to be made available to children or young persons.

Therefore, the Classification Office classifies the film as a restricted publication namely:

**Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.**

## **Display Conditions:**

Where the Classification Office classifies any publication as a restricted publication, it is required under s27(1) of the FVPC Act to consider whether or not conditions in respect of the public display of the particular publication should be imposed.

In considering the issue of public display, the Classification Office must have regard to the matters set out in s27(2) of the FVPC Act, namely:

- (a) *The reasons for classifying the publication as a restricted publication;*
- (b) *The terms of the classification given to the publication; and*
- (c) *The likelihood that the public display of the publication, if not subject to conditions, or as the case may be, any particular condition, would cause offence to reasonable members of the public.*

The film is classified as a restricted publication because it presents scenes of violence for entertainment.

The innocuous title of the film is unlikely to be found to be offensive, therefore, in the unlikely event of the film itself being publicly displayed, no offence would be likely to be caused to reasonable members of the public. Therefore, no display conditions are imposed.

*Written reason for decision is not required for section 12 submissions. It is the policy of the Classification Office to provide written reasons for section 12 submissions.*