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To the Minister for Justice Equality and Law Reform

Dear Minister,

I am pleased to present the Annual Report of the Official Censor of Films, as provided for by Section 29 of the Video Recordings Act, 1989.

As in previous years, the Report contains information on the general activity and operations of the Office for the year under review, 2003.

This year, having commenced my appointment in April, I have also taken the opportunity to comment briefly on aspects of the role of the Film Censor and the functions of the Office. You may wish to review some of these and other related issues in due course with a view to possible legislative or other reform.

Despite the major socio-economic and cultural changes that transformed Irish society in the latter part of the twentieth century, the statutory remit of the Film Censor remains essentially unchanged since it was first established under the Censorship of Films Act, 1923.

In that regard, Ireland remains one of the very few countries to retain the term censorship, with classification now being widely used elsewhere.

It is the case that the autocratic censorship of a 'nanny state' past, as exemplified by widespread banning and cutting of films, has given way in recent decades to an emphasis on age classification and devolved parental responsibility. This development, generally welcomed by the public and the industry alike, coincides with the period in office of my immediate predecessors, particularly that of Sheamus Smith.

However, I believe we should now go further and provide the public, especially parents, with a modern, transparent and consumer friendly service that will help to inform their viewing choices.

This service, in my view, should have twin aims: on the one hand, to protect the interests of children and young persons; on the other, to foster freedom of expression while reflecting the contemporary values and broad consensus of an emerging pluralist society.

There is a paradox here in that these aims may not always, in practice, be comfortably reconciled. A zealous approach to the former may at times impinge upon the latter.

For instance, if a video containing severely violent or sexually explicit images is prohibited, instead of being certified as 'Over 18', this reduces the risk of harm to a child who might otherwise access it. To prohibit it, however, would be to prevent adults from exercising what many insist is their right to decide for themselves what they should see.

Parents, other interested parties and the public generally will have an opportunity to discuss and review this and other related issues as a result of some initiatives planned for 2004. These, which are referred to in Section 7 of this Report, include a major survey research project, a national conference/seminar, the compilation of consumer guidelines and the establishment of a website.

I would like to take the opportunity here to acknowledge the contributions made to this Office over many years by Sheamus Smith, who retired as Film Censor in April, and of Audrey Conlon, who retired as Assistant Film Censor in June.

I would also like to recognize the respective contributions of Ger Connolly, who was appointed full-time Assistant Censor in August, and who is now the de facto Deputy Censor, and his team of experienced part-time Assistant Censors, as well as our Office Manager, Eileen Fitzgerald, and her conscientious civil service staff.

Yours sincerely,

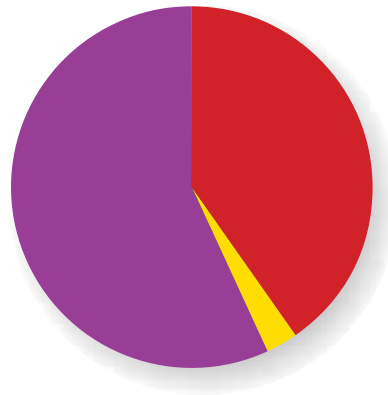


John Kelleher
Film Censor



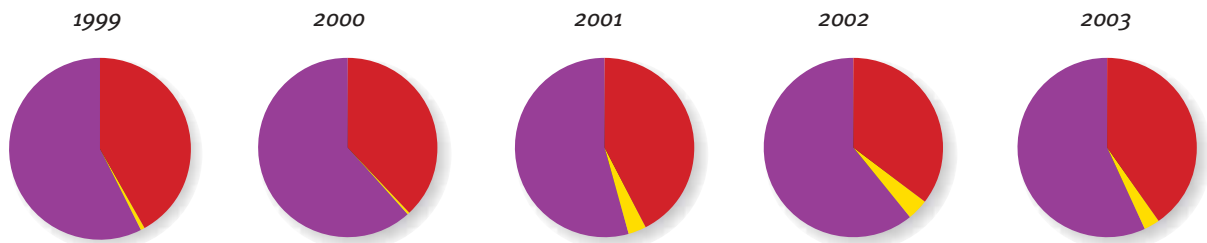
2. CERTIFICATION OF CINEMA FILMS

The number of films certified for cinema exhibition in 2003 was as follows:



■ Feature films 213 ■ Shorts 15 ■ Trailers 301
Total 529

Cinema films certified 1999 -2003

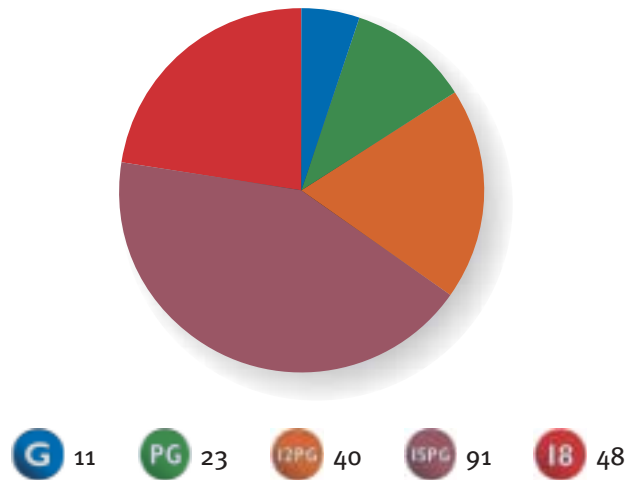


| | 1999 | 2000 | 2001 | 2002 | 2003 |
|--------------|------------|------------|------------|------------|------------|
| ■ Features | 177 | 189 | 196 | 185 | 213 |
| ■ Shorts | 3 | 2 | 15 | 20 | 15 |
| ■ Trailers | 243 | 307 | 251 | 319 | 301 |
| Total | 423 | 498 | 462 | 524 | 529 |

The total duration of cinema films presented for certification during 2003 was approximately 392 hours.

2. CERTIFICATION OF CINEMA FILMS

Cinema films certified in 2003 by category

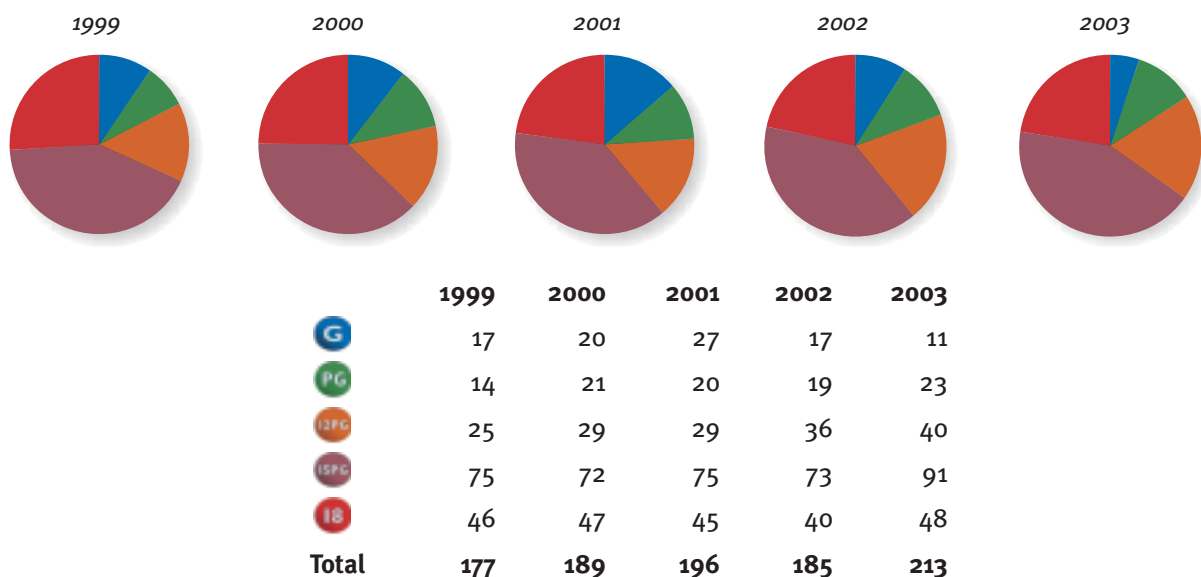


Five cinema feature films (*Mystic River*, *Once Upon a Time in Mexico*, *Song for a Raggy Boy*, *Underworld* and *Veronica Guerin*) were certified as 15PG on condition that a caution referring to violence was carried on all posters, print advertising and cinema listings.

One feature film, ‘*Spun*’, was prohibited under Section 7 (2) of the Censorship of Films Act, 1923. This decision, which was appealed by the distributor, was reversed by the Censorship of Films Appeal Board, and the film was then certified Over 18.

Note: The current cost to a distributor of making an appeal is €6.35, which is refunded if the appeal is successful. This is the € equivalent of the £5 referred to in Section 11 (1) of the 1923 Act. Clearly such a charge falls far short of the actual resource cost to the Office of processing an appeal to the Censorship of Films Appeal Board. The desirability of increasing this, as well as certain other charges levied by this Office, is referred to in Section 5 of this Report.

Cinema films certified by category 1999-2003



2. CERTIFICATION OF CINEMA FILMS

Country of origin of the 213 feature films certified in 2003

(a) Single country of origin

| | | | |
|-----------|---|-------------|-----|
| Australia | 1 | Japan | 2 |
| France | 1 | South Korea | 1 |
| Germany | 2 | Spain | 1 |
| Hong Kong | 1 | UK | 11 |
| Ireland | 5 | USA | 120 |

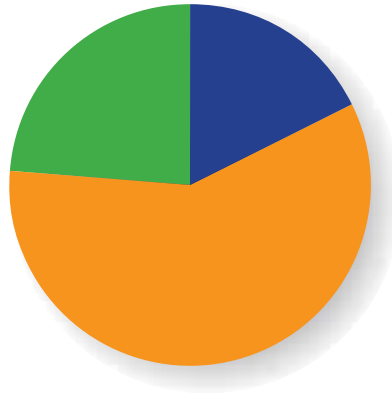
(b) Multiple country of origin (i.e. co-productions)

| | | | | | |
|-------------------------|---|--------------------------|---|------------------------|---|
| Australia, UK | 2 | Mexico, Spain, Argentina | 1 | US, Germany, UK, CZ | 1 |
| Canada, UK, Hungary | 1 | Mexico, US | 1 | US, Germany, France | 1 |
| Canada, US | 1 | New Zealand, Germany | 1 | US, Ireland | 2 |
| Denmark, UK, Sweden | 1 | UK, Germany | 1 | US, Japan | 1 |
| France, Belgium | 3 | UK, Luxemburg | 2 | US, New Zealand | 2 |
| France, Belgium, Canada | 1 | UK, Spain | 1 | US, New Zealand, Ger | 1 |
| France, Chad | 1 | UK, US, Ireland | 1 | US, New Zealand, Japan | 1 |
| France, Italy, Germany | 1 | US, Australia | 4 | US, Romania | 1 |
| France, UK | 3 | US, Canada | 2 | US, UK | 5 |
| France, UK, Italy | 1 | US, Canada, Germany | 1 | US, UK, Germany | 3 |
| France, US | 1 | US, France | 2 | US, UK, Ger, Hungary | 1 |
| Ireland, UK | 3 | US, Germany | 7 | US, UK, Italy | 1 |
| Ireland, UK, Germany | 2 | US, Germany, Japan | 1 | US, UK, France | 1 |
| Italy, France | 1 | | | | |

Revenue received by the Office from the certification of cinema films is referred to in Section 5 of this Report.

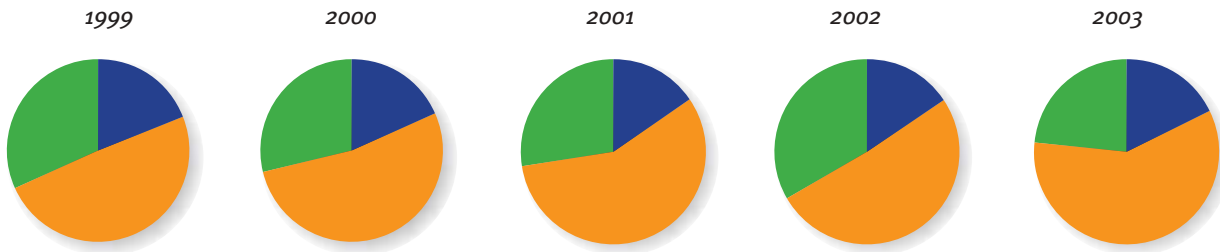
3. CERTIFICATION OF VIDEOS/DVDs

Video Works certified in 2003:



| | |
|--|--------------|
| Video Works certified for release on the Rental market | 1,152 |
| Video Works certified for release on the Sell-through market | 3,830 |
| Video Trailers/Previews/Adverts certified | 1,522 |
| Total | 6,504 |

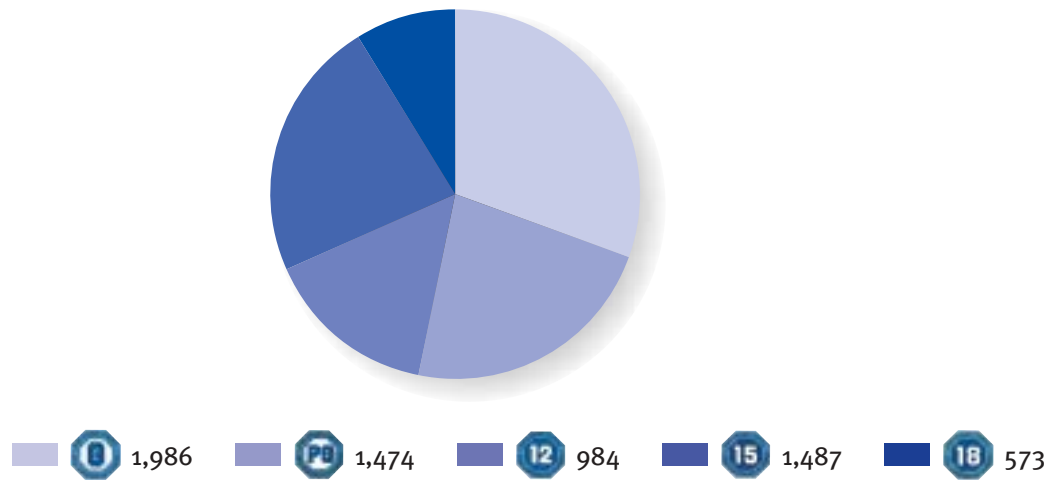
Video Works certified 1999 -2003



| | 1999 | 2000 | 2001 | 2002 | 2003 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Rental | 579 | 840 | 825 | 1043 | 1152 |
| Sell-through | 1504 | 2425 | 3058 | 3421 | 3830 |
| Trailers, etc. | 970 | 1320 | 1473 | 2238 | 1522 |
| Total | 3053 | 4585 | 5356 | 6702 | 6504 |

3. CERTIFICATION OF VIDEOS/DVDs

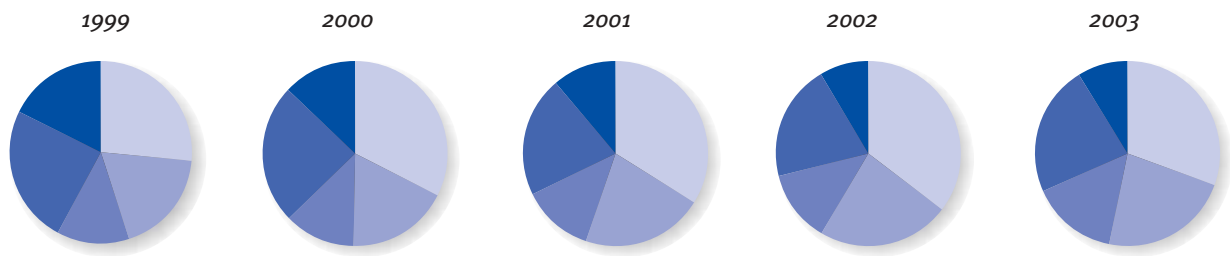
Video Works certified by category in 2003



Video Works prohibited 1999-2003

| 1999 | 2000 | 2001 | 2002 | 2003 |
|------|------|------|------|------|
| 166 | 134 | 26 | 16 | 16 |

Video Works certified by category 1999-2003

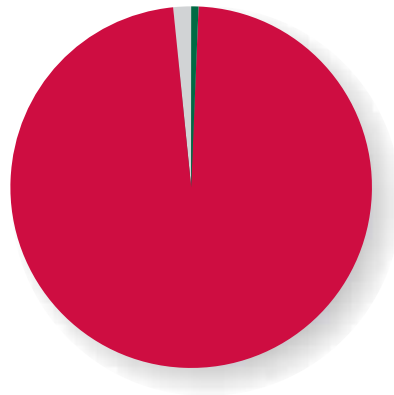


| | 1999 | 2000 | 2001 | 2002 | 2003 |
|--------------|-------------|-------------|-------------|-------------|-------------|
| G | 803 | 1478 | 1805 | 2363 | 1986 |
| PG | 560 | 810 | 1137 | 1545 | 1474 |
| 12 | 389 | 564 | 668 | 844 | 984 |
| 15 | 743 | 1112 | 1123 | 1360 | 1487 |
| 18 | 536 | 588 | 597 | 574 | 573 |
| Total | 3031 | 4552 | 5330 | 6686 | 6504 |

Prohibition orders were made in respect of sixteen Video Works in 2003, details of which were published in Iris Oifigiúil. Three (*Baise Moi*, *Hustler XXX Caribbean Ecstasy* and *The Voyeur #19, Live in Europe, Part 6*) were appealed to the Censorship of Films Appeal Board. The decision of the Film Censor was upheld in each case.

3. CERTIFICATION OF VIDEOS/DVDS

Licences issued in 2003:



■ Wholesale Licences 9
 ■ Retail Licences 1,351
 ■ Vehicle Retail Licences 22
Total 1,382

Licences issued 1999-2003



| | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|------|------|------|------|------|
| ■ Wholesale Licences | 8 | 7 | 8 | 7 | 9 |
| ■ Retail Licences | 1437 | 1253 | 1177 | 1264 | 1351 |
| ■ Vehicle Retail Licences | 45 | 36 | 26 | 25 | 22 |

Revenue received by the Office from the certification of Video Works and the issuing of Licences is referred to in Section 5 of this Report.

4. CERTIFICATION FOR COURT PROCEEDINGS

Complaints regarding breaches of the provisions of the Censorship of Films Act, 1923, and the Video Recordings Act, 1989, are referred by the Office to the Garda Síochána for investigation.

Under Section 23 of the Video Recordings Act, 1989, the Office of the Film Censor may issue certificates to provide certain information which is admissible as evidence in court proceedings.

Certificates were issued in 2003 as follows:

| | |
|---|-----------|
| Certificates indicating that Supply Certificates were not in force in respect of certain works - Section 14 (3) (b) | 40 |
| Certificates indicating that Video Licences were not in force in respect of certain premises - Section 23 (3) (b) | 1 |
| Certificates indicating that Video Licences were in force in respect of certain premises - Section 23 (3) (c) | 2 |
| Total | 43 |

5. FINANCE

The fees charged by the Office for the certification of cinema films and videos/DVDs and for the issuing of licences in 2003 were as follows:

| | |
|---|-------------------|
| Fees charged for Film Certification | €167,917 |
| Fees charged for Video Certification | €693,196 |
| Fees charged for Wholesale and Retail Licences | €220,040 |
| Total income received in 2003 and remitted to The Accountant, Department of Justice, Equality and Law Reform | €1,081,153 |

There has been no increase in the fees charged by the Office for certifying cinema films since 1987. The fees charged for certifying video works and issuing licences have remained the same since they were first introduced in 1994. The fees currently charged do not reflect normal commercial criteria, nor the resource cost to the Office of the services we provide.

Accordingly, it would be welcome if an increase could be considered under the powers conferred on the Minister for Justice, Equality and Law Reform by Sections 8 (2) and 11 of the Censorship of Films Act, 1923, as adapted by Statutory Instrument No. 298 of 1997, and Sections 3, 10 and 18 of the Video Recordings Act, 1989, as likewise adapted.

In conjunction with this, the introduction, which has been suggested, of a proposed two-tier fees scale for cinema films, whereby this Office would charge a much smaller fee to distributors of lower budget 'arthouse' films, including indigenous, foreign language and minority interest films, would be warmly welcomed by the industry, the Irish Film Board, Screen Producers Ireland, the smaller distributors, the Arts Council and many others.

6. STAFF/ADMINISTRATION



John Kelleher was appointed as Official Film Censor on 7th April 2003, following on a publicly advertised competition process. He succeeded Sheamus Smith, who had been Film Censor since 1986. Born in Dublin, he graduated with a BCL degree from UCD and a Masters Degree in Drama from the University of Kentucky. He was called to the Bar in 1971. As a producer/director in RTE, he produced many award winning programmes, including *'Strumpet City'* and *'Even the Olives Were Bleeding'*. He was appointed Controller of Television Programmes in 1980 and established the Today Tonight programme in the same year. He left RTE in 1983 to become Managing Director of The Sunday Tribune. For over twenty years, he was one of Ireland's leading independent film and television producers. He has produced six cinema films, including *Eat the Peach*, which he co-wrote, as well as six television drama series, numerous documentaries and four series of TV3's current affairs flagship, 'Agenda'. He is married with a son and a daughter.



Ger Connolly was appointed full-time Assistant Censor, the de facto Deputy Censor, in August. He succeeded Audrey Conlon, who retired in June. He was born and lives in Kildare town. He graduated from UCD with a B. Comm Degree, studied accountancy with Deloitte, Haskins & Sell, and worked in that capacity in the advertising and manufacturing industries. He was appointed a part-time assistant film censor in November 1993. He served as Deputy Film Censor and was one of three Irish delegates to the Conference of European Film Classifiers in Dublin in 2001. He represents Ireland on the board of PEGI, the Pan European Games classification system, and sits on both its Advisory Board and Complaints Board. He is married with two sons and a daughter

6. STAFF/ADMINISTRATION

A team of part-time Assistant Censors, who are all parents, assist the Film Censor in carrying out the duties of the Office. Their primary responsibility is the classification of more than six thousand video works that the Office certifies annually.



Olga Bennett
Lives in Dublin
Former Public Representative
1 Child
Appointed 1993



Tom Fitzgerald
Lives in Dingle
Former Public Representative
3 Children
Appointed 2002



Mairead Marron
Lives in Swords
Counsellor/Psychotherapist
6 Children
Appointed 1995



Violet Ennis
Lives in Rathcoole
Post-primary Teacher
5 Children
Appointed 1993



John Keith
Lives in Nenagh
Former Public Servant
3 Children
Appointed 1993



Tony Stapleton
Lives in Navan
Former Sales Director
5 Children
Appointed 1993



The Office Manager is **Eileen Fitzgerald**, a Higher Executive Officer, who supervises a team of civil servants which includes two Executive Officers and five Clerical Officers (three work-sharing), as well as two Projectionists. Born in Cork, she has worked in a number of areas within the Department of Justice, Equality and Law Reform, including the Prisons, Probation and Welfare Policy Division, the Garda Complaints Board and the Finance Division.

Vacancies exist at present for a part-time Assistant Censor and a Projectionist. A vacancy also exists for an Inspector, a post which has not been filled for two years which has resulted in complaints from concerned members of both the industry and the public.

7. FUTURE DEVELOPMENTS

The developments listed below, which are currently at the planning stage, are scheduled for implementation during 2004.

Research Survey

In the first half of next year, the Office will commission a nationwide public survey, which will be the first major research study of its kind to be undertaken in Ireland. The attitudes and responses of parents and young persons to a range of classification and censorship issues will be assessed through qualitative and quantitative research.

The survey will address, among others, the following issues:

- the level of satisfaction with existing classification categories
- the attitudes of parents to violence, drugs, sexual content and strong language
- the perceived influence of films/video/DVDs on young persons relative to other influences, such as the internet, television, peer groups, etc.

It is anticipated that the survey findings will play a key part in assisting the Office to formulate appropriate consumer guidelines for the public.

Consumer Guidelines

Upon completion of the research project, and following discussions and analysis with psychologists, guidance counsellors and other experts, the Office intends to draw up and publish a range of consumer guidelines, to include:

- an outline of the various classification categories (including changes, if any)
- a description of the criteria applied in determining each classification
- the manner in which an individual film or video/DVD will be described on the website (see below)

7. FUTURE DEVELOPMENTS

Conference/Seminar

A national seminar or conference, to be scheduled for the latter part of 2004, will provide a forum to discuss a range of issues:

- Historical, sociological and politico-cultural aspects of eighty years of Irish censorship
- Issues that might be the subject of legislative reform
- Comparative approaches to classification in EU and other countries
- The Consumer Guidelines, whether in draft or final form.

Website

A web-site will be established in 2004, initially on an interim basis to allow for an interactive dialogue with parents and the public, which will have the following objectives:

- to inform the public about the role and function of the Office of the Film Censor
- to publish a series of consumer guidelines
- to explain the rationale whereby individual films and video/DVDs are classified
- to provide the public with an interactive forum for comment and feedback
- to provide links to sites of interest to the public, such as movie databases, reviews, etc.

IT Developments

A comprehensive development and update of the Office's IT resources, will be implemented in 2004 by the IT Division of the Department of Justice, Equality and Law Reform.

