

Date	28.7.9	OFFICE REF	0901047
Applicant	FVUB		
Applicant to Labeling Body	Roadshow Films		
Title (On Screen)	O'phelia		
Other Known Title	The Ophelia, L'opelme		
Director/s	Jaume Collet-Serra		
Producer/s	Joel Silver et al		
System Format	35mm	Country of Origin	USA/Canada
Language/s	English		

Classification	R16		
Descriptive Note	Horror, violence, sex, language		
Excision/s	Date Censored		
Total Running Time	2:04:01	Total Running Time after Excisions	

00:00 WS Logo. Some music. Dark castle.
Distorted title.

Fragment couple walk into hospital.
Pain.

01:58 Blood pouring from wheelchair. S-gang.
H Nightmare Kate.

Screeching + pain. Bloody tools. Bloody baby.

03:54 Mirror, scar, pills.

06:52 Nearly crossing into truck. Scare/thrill.
Kids in car.

08:18 Piano word bang-g. S-g language. Max.

09.44 Subtitled - parent reading book to child.
Talks about baby dying.

H Husband in reflection. Scene 14-11.

13.46 Car arrives at St Morians. Snow.
Orphanage.

16.30 John meets Esther. Esther painting. Foreign.

RL

18.38 Office. Nur explains story. Survivor. Take
Esther home.

23.00 Daniel plays V-game. Envious of attention being
paid to Esther. Presents.

24.07 Boys read 'par-napain', excited "H!!"
"save your life. Treehouse."

Also to Lisa. AA. Reference.

26.21 Full implied. Moan-g. Under blanket. Esther +
Max interrupt.

kids wake for of Esther. Long for Pantball.

27.50 Daniel shoots bird with point gun. Dies.
Cr + H Esther gets rock. Crushes bird. Blood.

33.58 School. Boys knock books from ours. "Freak".
Loud screaming.

36.41 Mother dresses miscarriage with Esther. Cut to
kitchen. Underg. Sex, per entry.
Hits head. Fung. Esther sees them.

L "I know, they [redacted]" Esther.
"Pass the [redacted] potato". Kate.

RL

41.07 Kate + John discuss long-gage, David Linn.

43-34
V

Rock. Suspense. Girl looks for ester.
Ester passes her from fort. Girl cries and
breaks down. Max mimics ester in page.

"Richard camp":

46-21
L

David "see's not my [redacted] sister".
Pursued. Lost treasure.

Girl had broken her ankle.

50-15

John Kate in room. Slight argument. Discuss
John being out or. Discuss offer.

L

"A- [redacted] who wanted to [redacted] someone".

53-10

Non admits Esters stories. Fire, fall etc.
John defense.

Cr, H, V

Ester steals gun from safe and points it at
Max. Puts safety back on.

55-55
V + 1
Cr

Ester pursues Max in front of car. Max in
pain. Non sees off road. Hammers Non,
blood, graphic. Cruel.

Cuts Max to drag body off road.

Non crawls. Ester started repeatedly. Blood
sounds, graphic. Non - of use.

00-16

Ester holds knife to neck. Ask what he read.
Cries as non. Aims at non. He whimpers,
"You [redacted] yourself"

PC

ester engaged. hits locked walls. Scream.

1-04-51
H

Non body found. Large eyes. Police.

Horrific painting of ego image, five 2
dead bodies.

John oblivious.

- 1.08.40 Esther room. Grand John a fight. Kate
as if children if they're ok.
- 1.10.08 "It must be hard to lose an adopted child".
Kate greets Esther over flowers. Cried.
- 1.12.38 ✓ Esther plays on in show's squeezed,
breaks on own. Cries + sound effects.
Implicated Kate.
Kate drinks + cries. Tainted by wine.
Esther sends coin message with Max inside
Susanne. People try to help.
- 1.17.55 ✓ L ✓ Jon + shrink against ear and want to read
Lev ang. Cried. "AA".
Esther "I'll shoot Manny if you fall".
- 1.21.49 ✓ Esther hurts Kate. Adults kates mistake.
- 1.24.54 ✓ RC ✓ Kate calls institute about Esther.
Mental hospital.
- 1.26.50 ✓ V ✓ C ✓ ✓ Esther pours gas on Daniel + tree house and
traps him with fire.
Daniel tries to escape, falls from tree.
Max
Esther saves Daniel from being hit by
rock.
- 1.29.17 ✓ Hospital.
- 1.31.55 ✓ V ✓ C ✓ ✓ ✓ Esther places pillow on Daniel's head.
Suffocating.
Daniel's face seen. Daniel.
Kate stops Esther and calls her "Bitch".
Injured + restrained.

1-34-56 Esther steals Max's car and drives

1-36-46 S Esther dresses up and tries to seduce John
John drunk, kissed her.

Esther continued suggesting. John cried.
Esther walks off.

1-40-51 Plot twist revealed. Doctor calls Kate.
H1 Scoos revealed. Rotten teeth.

V+H Esther draws room apart. Horrific picture.
Nude sexual paintings # on Esther's wall

RC 1-45-39 John stabbed + collapsed. Esther starts at
V+H1 Lin. Loud sound effects. Graphic. Dead.

Kate is going over John's death.

1-48-58 Esther shoots Kate in stomach. Collapses in
pain on ground.

Esther loads gun. Surprise. Looks for Kate
Looks Kate out.

1-51-45 V Esther shoots at Kate again. Max Licks.
Shoots at Max

H1 Kate lands on Esther. Max cries.
They walk away from Esther.
Police arrive. Esther missing.

1-53-57 V+H1 Esther comes at her with knife. Starts stabbing
at her. Slashes leg.

Max shoots at Esther. Both collapse into
pond.

V+H1 Esther tries to drown her. Pulls Esther
in face.

L " " "
Kicks Esther face, breaks neck, gets
downs. Graphic sound effects.

1.5736 Cred. Ls + mortgage of Astor party
- make up. Party.

2.04.01

SUMMARY OF REASONS FOR DECISION

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

HEADNOTE

Title of publication:	Orphan
Other known title(s):	The Orphan L'Orpheline
OFLC ref:	0901047.000
Medium:	Film
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
Descriptive note:	Violence, horror, sex scenes and offensive language.
Display conditions:	None

The film, *Orphan*, has been classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years. This is due to its treatment of violence, horror, sex and highly offensive language.

The horror/thriller tells the story of Kate and John, trying to cope with the death of their unborn child. Kate, who is a recovering alcoholic, is still in a very fragile state and suffers from horrific nightmares. To help get their marriage back on track, and to regain some sort of balance within their lives, they decide to adopt a child. While visiting a local orphanage, they become fascinated by Esther who seems very mature for her age (nine years). They decide to welcome Esther into their family, and she continues to charm John and Kate, as well as the rest of the family. Eventually, strange events begin to happen and Kate starts to question Esther's integrity. The events become more violent and Kate becomes increasingly distressed. This turns John against her, who is completely oblivious to Esther's behaviour. While Kate finds out Esther's actual identity (a 33 year old with a form of dwarfism), Esther attempts to seduce John. He rejects Esther, which sends her on a killing spree. Kate rushes home to try and save her family, and ends up in a battle for her own life with Esther. With the help of her deaf daughter Max, Kate eventually kills Esther, sending her to the bottom of a pond.

Under s3(1) of the FVCP Act, the publication deals with matters of sex, horror, violence, cruelty and crime.

The publication deals with sex to a minor degree with sex scenes, sexual references and seduction.

Kate and John initiate sexual activity twice in the feature. The first takes place in their room where Kate stands at the end of the bed looking at John. She then lifts the blanket and climbs underneath. The blanket covers John up to his chest, while Kate stays beneath. John groans

during this which implies fellatio. This carries on for a brief period before they are interrupted by Esther and Max who climb into bed with them.

The second scene between Kate and John takes place in the kitchen. After they kiss passionately, John places Kate on the kitchen bench and starts to undress her. Kate is initially reserved about his advances and suggests they take it to the bedroom. He resists and continues to kiss her. Eventually he turns her around and bends her over the kitchen bench. He begins sexual intercourse from behind. At first she looks hesitant about the action but she obliges and begins to enjoy it. The scene continues for a period before they are caught by Esther, and they stop immediately. This cuts to Kate trying to explain to Esther what they were doing, by discussing the actions between couples when they are in love. Esther replies, "I know, they [REDACTED]" This is intended to shock the audience, and imply that Esther has knowledge well beyond her age.

Kate and John's son, Daniel, is also seen in his tree house with a group of other friends reading a pornographic magazine. Daniel and his friends are approximately 12-14 years of age and are in their curious phase about sex. They are seen looking through the pages at naked women, and Daniel tells one of the boys "Go to page It'll change your life." This is meant to be seen in a humorous context, and the depiction of the magazine is brief.

Esther tries to seduce John, before her actual age is revealed. While Kate and Daniel are kept in hospital, John takes Max and Esther home. He begins to drink red wine at a fast pace, while Esther dresses in a sexy negligee and make up. She then positions herself next to John and begins to stroke him and kiss him gently (although not in a very sexual manner yet). She tells him that she loves him and edges closer, while he cries about the problems in his life. She then kisses his neck and makes it obvious that she wants to take it further. John pushes her away, incredibly disgusted and shocked by her actions. He calls her a "very confused girl" and orders her to stop. She reacts to this by running up stairs and plotting his murder. Juxtaposed with this scene, is Kate in hospital on the phone to an Estonian doctor who reveals everything about Esther, including her age and psychotic tendencies. The truth being revealed, and John's reaction to the seduction limits the shocking aspect of Esther's sexual needs.

The publication deals with matters of horror with the use of scare tactics, blood and imagery and the plot in general.

Throughout the feature, several scenes use suspenseful music and quick movements to create false scares for the audience. One such scene shows Kate getting ready in the bathroom, and looking at her reflection in a cupboard mirror. She opens the mirror and looks down at the basin, and the suspenseful music begins to play to give the audience a feeling that something is about to happen. She closes the cupboard mirror to see John's reflection, which gives her a fright. The feature uses tactics like this to create false scares for the audience to keep the suspense going. The use of mirror reflections and closing doors is synonymous with many horror films.

Strong imagery with blood and dead bodies contribute to matters of horror. The opening scene is one of the most horrific. The feature opens to Kate and John arriving at a hospital, where Kate is about to give birth. The lighting is bright, and the scene is slightly blurry to indicate a dream or memory sequence. As she is pushed down the hallway in a wheel chair, Kate notices blood dripping onto the floor. The scene then cuts to Kate in surgery, screaming in pain and covered in blood. The room is dark and the scene is fast paced. A doctor picks up tools covered in blood and places them under the blood covered sheet, to imply they have been inserted into Kate's vagina. After further screaming from Kate, they pull out a dead baby which is covered in

shiny bright red blood. She screams again and wakes in her bed to reveal it was just a nightmare. This particular scene sets the premise for the feature, and shows Kate's pain and suffering.

The plot in the feature, as well as the twist at the end is in itself, horrific. The storyline follows an 'evil child' sub-genre of horror, with Esther committing violent acts and manipulation of other characters. The revelation towards the end, which reveals that she is a 33-year-old escapee from a mental hospital, who has murdered other families, also adds to the horror storyline.

Matters of crime are depicted with murder and fraud. Esther murders a number of characters within the feature, and also commits fraud by creating a new identity. The crime is depicted as wrong, and has little impact on the classification.

Nothing in the publication requires consideration under s3(2). Cruelty and violence in association with horror are discussed below under s3(3)(a)(i) below.

The film contains depictions of violence or cruelty being inflicted. Esther frequently inflicts serious harm on other characters in the feature. As an aggressor, she comes across as very determined and calculated. Although with John's killing, she is a little more erratic as her emotions were involved with this particular murder.

An example is the killing of Sister Abigail, a nun from Esther's orphanage. After Sister Abigail reveals to Kate, that there is much more to Esther that they do not know about, Esther enlists the help of Max to have her killed. While Sister Abigail drives over a bridge, Esther pushes Max onto the middle of the road, causing Sister Abigail to stop. When the nun gets out of the car, Esther walks over to her and starts pounding her head with a hammer. The depiction is graphic, and the sound effects are loud to increase the intensity of the violence. Esther and Max then drag her body off the road. Sister Abigail tries to crawl towards a tree, with blood coming from her head. Esther walks over to her and strikes her head again with the hammer a number of times. Sister Abigail eventually dies. Her slightly frozen body is later seen when police discover it.

Other violence acts within the feature are similar in nature to Sister Abigail's killing, with a moderate amount of blood and sound effects. They appear realistic, although the fact that a child is committing them mitigates this aspect.

Another scene depicts Esther inflicting harm on herself. After an altercation with Kate, where Kate grabs her arm and throws her, Esther sneaks into a tool shed and places her arm in a vice. She places some material in her mouth and continues to tighten the vice. This creates suspense. As she tightens the vice, she starts screaming and eventually a bone in her arm breaks and almost pierces her skin. The action is intensified by loud sound effects of bones breaking. Esther purposely did this to exaggerate Kate's arm-grabbing, and to implicate Kate in potential child abuse. This scene highlights how far Esther is willing to go for what she wants, as well as her true evil nature. The scene also shows how painful the action was, and would not encourage imitation.

Under 3A, the publication contains a moderate degree of highly offensive language. Kate, John, Esther and Daniel all use frequent variations on the word "f---" throughout the film. Such examples include "she's not my f--- sister" and "an f--- who wanted to f--- someone." However, when Esther says "f---", Kate and John make an issue of it and try to educate her. Other times the language is used to express emotion. Presenting this language to younger viewers may normalise it, and encourage use to intimidate others.

The dominant effect of the publication is formulaic 'evil child' horror/thriller. The publication deals with matters of horror, violence, and cruelty and to a lesser extent, sex and crime. The extent and degree to which it deals with these matters means that the publication is likely to be injurious to younger viewers unless restricted. The amount of blood, violence and horror depicted in the film is likely to shock and be disturbing to young children, and due to the extent of some of the violence, may affect them long term particularly as the killer is a 'child' who hurts other children. Other matters such as crime and highly offensive language may become normalised in their view as they are at a young and impressionable age. An older audience are mature enough to see the unrealistic nature of the publication, and will be able to put the actions into context. The availability of the publication is therefore restricted to persons 16 years of age and over.

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Publication Outline for Orphan

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Print Summary

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Publication Number: 0901097.000

* Publication Title: Orphan

Other Known Titles: The Orphan
L'Orpheline

* Submission Channel: s12 (1)

* Medium: Film

Is Associated Advertising:

Language:

Afghanistan
Afjar
Africans
Albanian

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English

Country of Origin:

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Film Festival Name:

CRN:

Date of Court Order:

Publication Status: Complete

Assigned To:

Examination Transcript No: 433, p180

ISBN:

Record Source: CDA

Result of Urgency: Met

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Fee Details

Expected Fee (\$): 1600.00

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Outline for Urgency

Request No.: R0900315

Request Type: Urgency

Date Created: 24/07/2009

Reason for Application:

* Request Status:

Granted

Status Date:

24/07/2009

Reason for Decision:

Publication Details

0901047.000 Orphan

Film

Applicant Details

Remove

Applicant Name: Film & Video Labelling Body

Organisation

Applicant Address:

Phone Type:

Number:

Email:

Applicant to Labelling Body Details

Remove

Applicant Name: Roadshow Film Distributors

Organisation

Contact Name:

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 Addressees for Orphan

0901047.000 Film

-  Film & Video Labelling Body Applicant
-  Roadshow Film Distributors Applicant to Labelling Body, Distributor
-  Jaume Collet-Serra Director
-  Joel Silver Producer
-  et al. Producer



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0901047.000 Film

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Add Component

Remove

* Type

* Description

RunningTime

Mins Secs

Feature(s)

Orphan

124

1

Total Running Time

124:01

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Decisions for Orphan

D901047.000 Film

Decision Summary

Clone Con Sheet

Create Date	Body	Classification	Type	Excision Status
29/07/2009	<u>OFLC</u>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.	No Excisions	

Consultation

Consultation Required:

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Consideration Sheet



Direction to Issue a Label



s12 Summary of Reasons



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09D1047.000 Film

Status History

Status	User Name	Date
Complete	s9(2)(a)	05/08/2009
Decision Registered	s9(2)(a)	30/07/2009
Classified & Signed	s9(2)(a)	30/07/2009
Decision Affirmed	s9(2)(a)	30/07/2009
Draft Complete	s9(2)(a)	29/07/2009
Drafting Decision	s9(2)(a)	28/07/2009
Examined	s9(2)(a)	28/07/2009
Examining	s9(2)(a)	28/07/2009
Queued	s9(2)(a)	24/07/2009
Logged	s9(2)(a)	24/07/2009

Publication Movements

Movement	User Name	Date	Notes
<u>Pub Received</u>	s9(2)(a)	24/07/2009	
<u>Pub Dispatched</u>	s9(2)(a)	28/07/2009	s9(2)(a)
<u>Final Docs Dispatched</u>	s9(2)(a)	30/07/2009	

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