



**Australian Government**  
**Classification Review Board**

6 October 2004

23-33 MARY STREET  
SURRY HILLS, NSW

- MEMBERS:** Ms Maureen Shelley (Convenor)  
Dr Robin Harvey  
Mr Robert Shilkin
- APPLICANT:** United International Pictures Pty (UIP) represented by Mr Michael Selwyn, Managing Director.
- BUSINESS:** To review the Classification Board's decision to classify the film *Collateral* (the film) MA15+ with the consumer advice 'Medium level violence'.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board (the Review Board) classified the film MA15+ with the consumer advice 'Strong violence'.

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. Section 9 of the Act provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Three essential principles underlie the use of the *2003 Guidelines for the Classification of Films and Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context
- Assessing impact
- Six classifiable elements – themes, violence, sex, language, drug use and nudity.

### **3. Procedure**

The Review Board met on October 6, 2004 in response to the receipt of a valid application from the applicant UIP. After viewing the film, receiving a written submission from Ms Liz Drew, print control manager, on behalf of UIP and written and oral submissions from Mr Michael Selwyn, Managing Director, on behalf of the applicant, the Review Board met in camera to consider its decision.

### **4. Evidence and other material taken into account**

In reaching its decision the Review Board had regard to the following:

- (i) UIP's application for review;
- (ii) UIP's written and oral submissions;
- (iii) The film;
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act
- (vi) The Classification Board's report; and
- (vii) The *Guidelines for the Classification of Films and Computer Games 2003*.

### **5 Synopsis**

Max, a taxi driver (Jamie Foxx), is taken hostage by Vincent, a contract killer (Tom Cruise). The killer uses Max to drive to each murder scene. Max has to develop his own personal strengths to save himself and Vincent's final victim, an attorney whom Max has met earlier and to whom he is attracted.

The first murder goes "wrong" when Vincent tosses the body out the window and it lands on Max's car. From then on, Max is embroiled in increasing scenes of violence with it appearing likely that he will not live out the night, as Vincent performs each "kill" "taking out" key witnesses in an upcoming drugs trial.

### **6 Findings on material questions of fact**

The Review Board found that the film contains aspects or scenes particularly worthy of mention under various classifiable elements:

- (a) **Themes** – At approximately 57 minutes Vincent tells Max that his father used to get drunk and beat up his mother and him and, as a result of one beating, he killed his father. Vincent states that he was 12 when this happened. Seeing Max's horror at the story Vincent says that he was "just kidding" and that his father died of liver disease. The scene has moderate impact and is justified in the context of the story line of the film.

Throughout the film, is the theme of death and killing as a means of earning a living. Vincent attempts to justify his “work” as “just a job” and that those that he is killing are “villains”. However, this thesis doesn’t hold for his last intended victim – the attorney Annie (Jada Pinkett-Smith), nor for the FBI agents that are killed or wounded. The theme is of strong impact but its treatment was such that it did not warrant consumer advice.

(b) **Violence** – Given the storyline it is to be expected that the film contains violence. However, it is the treatment of the violence that determines classification.

The film contained several scenes of strong violence – including the night club scene at approximately 82 minutes where an FBI agent is shown with blood coming from his knee, where Vincent knifes another agent, where Vincent shoots several agents and security guards and where Max is shot at. Further, at 101 minutes a security guard is shown on the floor lying with blood pooling around him and then at 104 minutes Max shoots Vincent and there is blood spray from Vincent’s ear, there is an exchange of gun shots. At 110 minutes Vincent asks “If I die do you think anyone will notice?” and he then dies on the train.

Apart from these individual scenes there are several other scenes of violence (approximately 11 minutes where the first body falls on the cab, blood is shown on its face; at 38 minutes another shooting with accompanying blood spatter; at approximately 45 minutes another “kill” where Vincent shoots his victim in his “traditional” three-shot pattern – two to the head and one to the heart with accompanying blood spatter; at 46 minutes Vincent grabs Max by the throat; at approximately 55 minutes a mortuary assistant is showing a detective one of the bodies with Vincent’s “kill pattern”, the body is covered in blood; at approximately 60 minutes Vincent threatens to execute Max’s mother who is in hospital; at approximately 81 minutes Vincent “knee caps” security guards and takes one hostage; at 91 minutes the taxi crashes with some injury sustained by the occupants; at 92 minutes Vincent starts hitting Max through the back window; at approximately 93 minutes a police officer sees the body of the first “kill” in the boot of the cab and arrests Max at gun point). While these scenes are mostly of moderate impact the cumulative impact of them coupled with the specific scenes outlined above ensure that the overall impact of the film is strong.

(c) **Language** – the language used in the film has moderate to strong impact. Instances such as “son of a bitch”, “bullshit”, “shit happens”, “fuck off” or “get in the fuckin’ car” or “give me your fuckin’ wallet” were relatively frequent but not considered to be overly aggressive. At approximately 43 minutes is an instance of strong, aggressive coarse language (“Get the motherfucker off my face”) and at approximately 98 minutes there is another (“shoot my ass in and go fuck yourself”). However, given the context of the film and the likely audience it was not considered that the overall impact of the language used was more than moderate.

The elements of sex and nudity were not present and the treatment of the element relating to drugs was so minor as to be only of a mild impact (some implicit drug use in the night club scene at approximately 82 minutes).

## **7 Reasons for the decision**

The Review Board based its decision to classify the film *Collateral* 'MA15+' with the consumer advice 'Strong violence' on the content of the film as set out in 5 and the findings on material questions of fact at 6 above.

Mr Selwyn submitted that because the film concerned contract killings and that the treatment of each death scene was restrained that the impact of the theme of death and killings was moderate. Whilst not necessarily accepting Mr Selwyn's reasoning, the Review Board found that the treatment of the theme was moderate in the context of the film.

It was Mr Selwyn's submission that the violence was restrained, and in context given the film's genre and the "strength of the film". He also stated that the film had "literary merit" and that the intended audience of the film was for an older audience and that the restrictive classification sent "the wrong message". He submitted further that, while he considered the film to be unsuitable for those under 15, the classification needed to be merely advisory only and not restrictive.

Mr Selwyn is a regular, but not frequent, representative who appears before the Review Board. His views and submissions are always considered with great interest by Review Board members. However, on this occasion the Review Board did not accept his submission that any perceived literary or artistic merit in any way mitigated the impact of the violence contained within the film.

Mr Selwyn also submitted that the character of the film was such that the impact of any violence was diminished. Again the Review Board did not accept Mr Selwyn's submission on this aspect of the film.

The Review Board therefore found that the treatment of the strong violence was justified by context. Further, the Review Board found that the impact of the material was strong, but not so high as to warrant a more restrictive rating than the already legally restrictive 'MA15+' classification. However, the Review Board found that to allow unrestricted viewing to persons under 15 years would fail to protect minors who would likely to be harmed or disturbed by the film.

## **8 Summary**

While the classifiable elements and the impact in the overall context of the film *Collateral* did not justify a 'R18+' classification, they did make the film unsuitable for persons under 15 years of age and warranted specific consumer advice relating to the strong violence contained in the film.