



## CLASSIFICATION REVIEW BOARD

10 May 2002

23-33 MARY STREET  
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)  
Mr Jonathan O’Dea (Deputy Convenor)  
Dr Robin Harvey  
Ms Kathryn Smith

APPLICANT: Attorney-General, The Hon Daryl Williams AM QC MP

### BUSINESS:

To review the decision of the Classification Board to assign the classification “R18+” under the *Classification (Publications, Films and Computer Games) Act 1995* to *Baise-Moi* (the film) with the consumer advice “Strong Sexual Violence, High Level Violence, Actual Sex and Adult Themes”.

## DECISION AND REASONS FOR DECISION

### 1. Decision

The Classification Review Board (the Board) decided to set aside the decision of the Classification Board and to classify *Baise-Moi* “RC” (refused classification).

### 2. Legislative provisions

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

Section 11 of the Act requires that the matters to be taken into account in making a decision on the classification of a film include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults;
- (b) the literary, artistic or educational merit (if any) of the film;

- (c) the general character of the film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

The National Classification Code (the Code) requires that Classification decisions are to give effect, as far as possible, to the following principles:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive; and
- (d) the need to take account of community concerns about:
  - i) depictions that condone or incite violence, particularly sexual violence; and
  - ii) the portrayal of persons in a demeaning manner.

Within the Code, paragraph 1 of the Table under the heading “Films” provides that films that:

*“depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified” should be classified “RC.”*

Further, the Code provides that films may be classified “X” if they:

- a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and b) are unsuitable for a minor to see.

The Guidelines in relation to the “R18+” category provide, in part that:

*“Sexual activity may be realistically simulated; the general rule is ‘simulation, yes – the real thing, no.’” and “Nudity in a sexual context should not include obvious genital contact.”*

In addition, the Guidelines in relation to the “X18+ Restricted” category provide, in part that, “No depiction of violence, sexual violence, sexualised violence or coercion is allowed in the category.”

### **3. Procedure**

Four members of the Board were empanelled and viewed the film at the Board’s meeting on 17 May 2002.

An application for review was received from the Attorney General The Hon Daryl Williams. Mr Williams was offered the opportunity to provide further submission, either in writing or through a representative, to the Board but chose not to do so.

The Board received submissions from interested parties. Potential Films, the original applicant for classification, represented by Mark Spratt made written and oral submissions to the Board. The written submissions included extensive media commentaries and reviews. After the screening of the film and having the opportunity to seek further advice, Mr Spratt requested two further media articles/reviews be taken into consideration. This was done.

A submission was also received from the Australian Family Association (AFA) which the Association requested be taken into account during the Board's deliberations.

Prior to making a decision as to whether the AFA's submission would be considered, the Board made a copy of the submission available to Mr Spratt and asked if he would like to comment on any matters raised by the submission. Mr Spratt was given the opportunity to seek further advice, including legal advice, and return to the Board at a later time with any comments regarding the submission or raised by matters contained within the submission. No further written submissions were received by Mr Spratt in relation to the AFA submission.

Mr Spratt did not object to the AFA submission being considered but made comments regarding its accuracy. Specifically, Mr Spratt stated that the AFA's quote from the Classification Board report regarding an "underage porn" actor was wrong, that the actor in question was 24 years of age at the time of filming and the directors had not attempted to make her appear as a minor.

The Board then met in camera to consider the matter.

#### **4. Matters taken into account**

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

The applicant's Application for Review

- (a) Oral and written submissions by the film's distributor, Potential Films;
- (b) Written submission from the Australian Family Association;
- (c) The film *Baise-Moi*;
- (d) Information regarding the date of Raffaella Anderson's date of birth from the film website [www.usimbd.com](http://www.usimbd.com);
- (e) The relevant provisions in the Act;
- (f) The relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act; and
- (g) The Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

#### **5. Findings on material questions of fact**

##### **The Film**

In its submission, Potential Films stated:

*"BAISE-MOI (FUCK ME) is the violently poetic and sexually striking film about two women who take the world by storm. Manu (Raffaella Anderson) has lived a difficult life, abused and violently raped, she sets out to find herself only to meet Nadine (Karen Bach), a prostitute who has encountered one too many injustices in the world. For both, sex plays a pivotal and often destructive role, and for once in their lives, they decide to alter their destinies.*

*Angry at the world, they embark on a twisted, rage-filled road trip. They choose to have sex when they please and kill when they need. Leaving a trail of mischief and dead bodies in their wake. Generating a media blitz and manhunt, soon everyone is out to capture the two young fugitives.”*

The Board as a finding of fact believed that this was a reasonable summary of the plot of the film.

Manu, is shot and killed at a service station and Nadine, is arrested by the police during an attempt to kill herself. During their time on the road the women (and others) use proscribed drugs (marijuana, cocaine) and guns. They knife and shoot their victims with many being depicted in pools of blood. They use their car to run over a victim. They steal money and goods. The film contains scenes of actual sex depicting the two main protagonists and other named and nameless characters in the film. It contains extensive coarse language. The actual sex scenes show partial nudity and explicit genital contact.

### **Violence**

The Board found that the film was of almost unrelenting violence. Some of the instances of violence are listed.

- At approximately 20 minutes Manu has an argument with her brother which escalates and he gets a gun and tells her to “Shut your big fucking mouth”, she responds: “Fuck you”. At 21.30 Manu fights with her brother and shoots him in the head. He is shown dead lying in blood on the floor, there is blood coming from the back of his head, there is blood on his face and the walls. She takes his money, bends over, kisses him and leaves with the gun and the money. This strong scene of realistic violence has high impact.
- At 22 minutes Nadine and her flatmate are physically fighting. Nadine leaves her flatmate prone and unmoving on the floor. Mr Spratt in his submission stated that Nadine and Manu meet after they both have killed someone. It seems that Nadine kills her flatmate in this scene.
- At 24.30 the men who have earlier been pursuing Nadine’s friend Francis shoot him. Nadine sees it happen. The scene is replayed in slow motion. There is blood over the car and over his dead body. One of the techniques of the film, as is common in the pornographic genre and which is shared by “sport action-replays”, is to show a scene, return to it, show excerpts of it again, sometimes from a different camera angle and sometimes again in slow-motion. This technique increases the impact of these scenes. This scene is edited using this technique. This is a strong scene of realistic violence.
- Soon after this event, Manu and Nadine meet outside a train station. After a short conversation they get into Francis’ car. Manu points a gun at Nadine and says: “I want to go to the sea and you’re going to take me there.”
- At 39.56 The women rob a gunshop and shoot the owner.
- At 48 minutes Manu shoots and kills a man in the street who has asked her: “Do you wanna feel my balls slapping your ass?”

- At 55 minutes Manu shoots a police officer.
- At 1 hour and 3 minutes Manu shoots a wealthy home owner. He is shot several times and blood is spread through the room. At 1 hour 4 minutes Manu and Nadine are sitting outside the man's house drinking beer and Jack Daniels and eating Cadbury Fingers. His bloodied body is inside the house. The callousness of the women and their lack of remorse or concern is striking
- At 1.08 Manu is shot by a service station proprietor and Nadine shoots him.
- At 1.09 Nadine drives Manu's body to a forest. She is crying and there is blood on her hand. She lowers the body to the blanket and kisses the dead body.
- At 1.13 Nadine is sitting by a lakeside with a gun to her head. She is captured by the police and the film ends.

### **Realistic violence which was found to be gratuitous**

Strong depictions of realistic violence were shown and it was considered that some scenes were gratuitous. Some scenes of realistic violence which were considered gratuitous are listed below.

- At approximately 34 minutes Nadine and Manu shoot a woman at an ATM. The scene shows the woman being shot, the blood spurting and the woman sliding down the wall with the blood sprayed over the wall as she collapses. Manu says: "First I felt bad . . . [now] I feel really great. So great I almost feel like doing it again". This strong scene of realistic violence is gratuitous and of high impact.
- At 38.50 The women steal a car and run over its owner. "Fucking bastard, let rip the mother-fucker". Blood is shown coming out of the man's mouth as he lies prone on the ground, apparently dying. This is one of the scenes with the repetitive editing techniques which increase the impact of the scene. This scene was found to be gratuitous.
- At 43 minutes Nadine sniffs cocaine. Manu is with a man who wants to wear a condom to have sex. At 45 minutes Manu puts her head into the man's groin area. He appears to believe she is going to perform fellatio. She vomits into his lap. Manu and Nadine laugh. He says: "Filthy little cunts". Manu head butts him. Manu and Nadine then kick the man and tread on him with high spiked heeled shoes until he appears to be dead. He is shown with blood over his head and over the carpet. The Board found this scene to be gratuitous with a high level of impact.
- At 1 hour 6 minutes a sex club is shown. Couples are having actual sex including fellatio and rear penetration. One man approaches Manu who says "Fuck off mother fucker, keep your hands off me". Manu and Nadine then start shooting people. There is blood and bodies throughout the club. One man is having sex and has his trousers around his ankles. He tries to remove his erect penis from his partner's vagina but has difficulty. He stands up and tries to run away but is hampered by his trousers. He is shot. The scene is comical, cruel and degrading. The sex club scene is gratuitous in parts and contains elements which are very high in impact and degrading. The interaction between the

scenes of actual sex, the degrading way the man with his trousers around his ankles is shown and the violence of the scene (the shooting, the blood, wounded people crying and screaming) increase its impact on a cumulative basis to that of a very high level.

### **Sexual violence**

Sexual violence in the film was detailed and in the rape scene was prolonged. A description of some of the elements of the rape scene follows. It is a scene of very high impact.

At 9 minutes Manu and her friend are sitting on a park bench when approached by several men. They are taken in a car to a covered carpark and raped. The film cuts between the two women being raped. One is violently resisting and is shown with blood on her legs and her face. She is screaming. Her breasts are exposed and she is crying. A close up shot of an erect penis in a condom is shown and is shown being inserted into the woman's vagina. She continues screaming and struggling. Her bloodied face is shown again. She has been repeatedly hit across her face by the rapist. She is crying and sobbing.

Manu is shown as unwilling but completely unresisting. She demonstrates little emotion during the rape. She lies prone on the floor with her legs spread as one man rapes her. One man tells her to get on all fours. She does so. He spits on his hand and wipes the spit on his penis. Implicit rear penetration is shown. She shows no emotion and does not move, unless instructed, nor does she struggle. He says: "Shit it's like fucking a zombie." When berated (at approximately 13 minutes) by her still-crying friend as to why she did not resist the rapists Manu says: "I leave nothing precious in my cunt for those . . ."

The rape scene is a disturbing one and is of very high impact. It shows two women being raped, one with violence and visible and audible distress, one with a complete absence of emotion. At approximately 4 minutes length the sexually violent scene is prolonged and detailed (erect penis, condom, exposed vagina, bloodied face and legs of victim). The scene where Manu is raped through rear penetration is degrading.

In describing the rape scene Mr Spratt stated:

*"This crucial scene depicts rape as an ugly, violent crime. It is not sanitised for a comfortable viewing experience nor presented as an erotic fantasy. It is an example of the skill and intentions of the filmmakers in confronting the audience with what is for women in many places [these suburbs, war zones] a ghastly, everyday reality. Virginie Despentes [Convenor's note: the co-director] has defended her use of a close shot of sexual penetration during this scene as being vital to her intention to show that this scene is about the violation of one person's body by another. This detail, in common with many other recent films that have dealt with war violence for example, is graphic but not, I believe exploitative or gratuitous."*

The Board noted Mr Spratt's submission but found that, notwithstanding the directors' stated intentions, the scene was prolonged, detailed and gratuitous.

The Classification Board stated in its report that the bleak cinema verite treatment of the rape scene detached the explicit scene (of the penis being inserted in the vagina) from the scenes of violence. The Board found that the insertion of the penis was in itself the act of rape and therefore was an act of violence and of sexual violence.

At approximately 1 hour 07 minutes Manu gives instructions to the man in the sex club who approached her. He is on all fours and she says: “C’mon grunt asshole. Drop your pants”. He removes his pants and is grunting and wiggling his bottom. He is shown with blood running down his face and is clearly frightened. Manu shoots him in the anus and the blood comes out of his face. The screen turns red. This degrading scene is disturbing, gratuitous and of very high impact.

This scene was considered in relation to sexual violence because of the nudity of the man, the context of the scene taking place in the sex club where scenes of actual sex had been depicted earlier, the sexual position which he was forced to assume, the cinematic reference to the earlier rape of Manu, and the scene’s further cinematic reference to a similar rape scene of a man by a group of men in the film *Deliverance* which included rape by the use of a gun into the man’s anus.

The scene of the man on all fours being asked to grunt and wiggle was also considered offensive and demeaning. Whilst cinematically its intention may have been to reinforce the impact of the rape of Manu (who was also on all fours and asked to make noises and move), and her disengagement from reality during that scene, the Board considered it went beyond what was necessary for the storyline and was gratuitous.

### **Findings as to cultural merit**

The film was considered to have significant cultural merit. The Board considered the following elements in this regard.

The film comes from the pornographic genre and uses many of the genre’s editing techniques, as mentioned above, for impact. It has also been described as being in the tradition of cinema verite and whilst dark in tone shows the women to have agency and direction. The techniques used of lighting, editing and the compelling music of the soundtrack increase the impact of the film.

Its digital video format gives it a grainy quality in keeping with its stark, realistic portrayal of the women’s lives and as one critic noted “a certain murky malignancy”.

Unlike many pornographic films it has a strong plot, good characterisation, compelling and believable performances by the actors Bach and Anderson, an outstanding musical score which enriches the visual elements and entertains the viewer/listener with rich melody, rhythm and beat, and some integrity of cultural purpose given the directors’ aim of incorporating “a strong feminist warrior vision, while also [demonstrating] a cutting edge sense of provocation” which Desportes stated was important to them.

In material submitted by Mr Spratt for Potential Films he states that the backgrounds of the two directors (one as porn star, one as a sex worker) contribute to the film’s integrity and the inclusion of porn stars Bach and Anderson furthers this. The Board agreed that the porn-star background of one of the actors, and that of one of the

directors, added to the authenticity of the portrayal of the actual sex scenes, this was clearly familiar territory for them.

In the context of the pornographic genre the film had much to offer, however, the Board did not consider the film to be of such merit as for this to otherwise override the requirements under the Code and the Guidelines.

**Finding in regard to “under age porn star”**

In regard to the Classification Board’s report reference of an “under age porn star”, which was quoted in the AFA submission the Board made its own enquires.

The Board found that the actor Anderson was aged 24 at the time of filming as it obtained independent verification from film website [www.imdb.com](http://www.imdb.com) confirming her date of birth as the 8<sup>th</sup> of January 1976.

In the Board’s view Anderson was not depicted as a minor. As Board members had read the AFA’s submission and heard from Mr Spratt prior to seeing the film, members took particular note as to whether Anderson had been portrayed in a child-like manner or in anyway which could be seen as a minor.

The Board found that the character Manu was not portrayed, either by intent or unintentionally, as a minor.

**Finding regarding actual sex**

This finding was based on the Board’s assessment of the content of the following scenes:

- At 14 minutes Nadine who is employed as a sex worker is shown with a client. The money is counted out. She is wearing leather underpants and stilettos. Actual fellatio is shown at approximately 15 minutes with the erect penis moving in and out of the actor’s mouth.
- At 15.15 actual sexual intercourse is shown between Nadine and her client. She is watching TV with her head hanging over the bed during the event. At approximately 15.40 implied rear penetration is shown. The erect penis is shown. Nadine is watching a sausage being sliced on TV. She groans but shows no emotion.
- Between 35.30 and 38 minutes a sex scene is shown. Both women are having sex with unnamed male partners in the same room. The scenes cut back and forth between the two beds. Implied cunnilingus and actual fellatio are shown as well as actual sex with penetration. The women watch each other having sex with their partners.
- At approximately 52 minutes to 54.30 is a further sex scene. Both women are shown having actual sex with different partners. Erect penises and obvious genital contact are shown, rear entry penetration, masturbation, fellatio are shown. A parted vagina is shown in close up. A man masturbates his erect penis as he rubs his partner’s underpants. The scene cuts to the other woman and her partner having sex and back to the first couple. By the technique of switching

between sexual scenarios the impact of the scene is increased. The scene is detailed and prolonged.

- The sex club scene described in the subsection headed “violence” contains several instances of actual sex including prolonged and detailed scenes of fellatio (one with a mature couple and one with a younger couple), erect penises and rear penetration sex.

### **Drug references, adult themes, coarse language**

Apart from the scenes of actual sex and gratuitous realistically simulated violence, the other elements of the film could have been accommodated within an R18+ classification. The film used coarse language which would have required an R (restricted) rating. Further it dealt with adult themes of death, the use of proscribed drugs and trauma. Some of those elements are listed below.

The opening scene shows a woman who appears to be drugged and has bruises on her arms. A bar scene follows where young men are playing pool and a woman approaches one. He tells her to: “Fucking piss off”. Manu is in the bar.

At approximately 4 minutes Nadine’s is in her flat watching a pornographic video whilst fondling herself and talking to her flatmate. Nadine says: “I’m sick of having to masturbate in my room.” At 6.15 Nadine smokes a joint after asking: “Have you got any weed left?” and being told: “You’re a fucking pain”.

At 16.22 Nadine argues with her flatmate. A violent scene is shown where men pursue one of Nadine’s friend Francis. “What do you see in a junkie like him?” asks her flatmate.

At 23 minutes Nadine is seen writing out a doctor’s prescription. Francis comments she is: “Doing a prescription in your fancy writing”. At 23.30 Nadine and Francis are talking and Francis describes a women and says: “She crosses the border with acid and all that shit.”

At approximately 42 Manu is shown seated in her underwear on a bath with menstrual blood coming from between her legs and running down into the bath. She is talking to Nadine during this scene who is visible to her.

Whilst these elements would not be such that would require more than an R (restricted) rating the Board considered the film as a whole as one of almost unrelenting violence, interspersed with extensive actual sex scenes. Less than 10 minutes of the film could be described as light in tone. The sex and violence in the film are inextricably linked which take it into the RC (refused classification) rating.

### **Submissions**

Mr Williams, in his application for review stated:

*“After carefully reading the decision of the Board [Convenor’s note: the Classification Board], I am persuaded that there is at least an arguable issue about whether the Board classified Baise-Moi in accordance with the guidelines. Of particular concern are those guidelines dealing with detailed, excessive, realistic and exploitative violence and sexual violence.*”

*Given the particular circumstances of this case, I believe it would be appropriate for the Classification Review Board to consider whether the elements I have described are justified by context and artistic merit.”*

Mr Spratt in his verbal submission, which he read from a prepared paper - copies of which were given to the Board, stated:

*“. . .notwithstanding the strength of the classifiable elements in the film, it is an honest work deserving the protection of Section 11 of the Classification Act, against a very literal and quantitative application of the general guidelines.*

Mr Spratt further stated:

*“It seemed to me a powerful work with a very valid viewpoint, a cautionary tale at times uncomfortable to watch and at others exhilarating and entertaining. Above all it seemed defensible. . .”*

The Board agreed with Mr Williams that it was “arguable that the Classification Board classified *Baise-Moi* in accordance with the guidelines.”

Whilst noting Mr Spratt’s well-argued submission regarding the merit of the film, the Board found that the merit was not sufficient to otherwise override the requirements of the Act, Code and Guidelines.

The Board had regard to the submission of the AFA but gave it little weight in determining the classification because the authors relied solely on the Classification Board’s report and had not made further independent assessment of the film for themselves.

## **6 Reasons for the decision**

The Board considered the film in light of the relevant provisions of the Act, Code, Guidelines and having regard to the terms of the application for review from the Attorney General and submissions from the interested parties.

### **Violence**

The film is of almost unrelenting violence and some scenes contained gore and some were of high impact. Strong depictions of realistic violence were shown and it was considered that some scenes were gratuitous.

Sexual violence was detailed and in the rape scene was prolonged. The rape scene was one of very high impact.

The depictions of violence were frequent and some were gratuitous and exploitative. Notably, the sex club scene was considered in parts both gratuitous and exploitative.

### **Sex**

There were several scenes of actual sex in the film including erect penises, semi-nudity with obvious genital contact, an exposed and parted vagina shown in close-up and actual fellatio and actual masturbation with an erect penis.

### Nudity

Whilst there was little total nudity, the partial nudity included several scenes of obvious genital contact.

### Coarse Language

The language in the film was such as to require an R rating.

### Adult Themes

The film dealt with issues of suicide, crime, corruption, emotional trauma, drug dependency and death but these were not generally of a very high degree of intensity and were not considered exploitative.

### Drug Use

Drug use was shown but was not gratuitously detailed nor promoted. Drug users were not shown as escaping from the consequences of drug use (bruising to one users arms, one character contemptuously being described as a “junkie”).

### Section 11 considerations

The Board formed the view that the inclusion of detailed and prolonged scenes of sexual violence which included actual sex, and the combination of sex and violence, meant that the film fell outside what was considered generally acceptable by reasonable adults.

The Board then considered 1) the film’s general character, 2) Potential Film’s submission that the film

*“notwithstanding the strength of the classifiable elements in the film, [was] an honest work deserving the protection of Section 11 of the Classification Act, against a very literal and quantitative application of the general guidelines”*

3) the artistic merit of the film (if any) and 4) the persons amongst whom it is to be published.

Despite significant cultural merit found in the film, the Board concluded that the general character of the film, its artistic merit and any educational value it might have was not such as to justify a classification except RC.

To do so would have meant that the R restricted classification would be able to contain material not permitted (ie. sexual violence) in the X restricted classification, which is a more restricted category. The Act states that the classifications are listed in ascending order with R (restricted) appearing in the list prior to X (restricted).

Balancing these considerations is the principle that adults should be able to see, hear and read what they want. The Board did specifically consider Section 11 of the Act but concluded that the Code’s explicit statement of concern regarding sexual violence and the extensive nature of such sexual violence in the film would override the principle in this instance.

### **The Australian Family Association’s submission**

The Board had regard to the AFA submission but did not give it much weight in its determination. The AFA relied on the description of the film in the report of the Classification Board as a basis for its submission. The AFA raised issues relating to

strong sexual violence, actual sex and nudity with obvious genital contact and portrayal of a minor under 18 engaged in actual sex.

The AFA stated:

*“The Board’s [Convenor’s note: the Classification Board] report observes, but (somewhat surprisingly) otherwise fails to comment on, the fact that one of the two main characters in the film, Manu, is “an under age porn actor”. This implies that she is depicted as a minor under the age of 18 years.*

*The X 18+ classification, which provides for explicit depiction of sexual activity, prohibits the depiction of non-adult persons, including those aged 16 or 17, or adult persons who look like they are under 18 years. Nor does it permit persons 18 years of age or over to be portrayed as minors.*

*If the Classification Review Board maintains the view expressed in its decision on Romance that the guidelines permit “exceptions in a limited number of instances” to which the general rule against depictions of actual sex need not apply, then the Association submits that **no depictions of minors engaged in actual sex** should be included in this “limited number of instances”.*

*Otherwise this would result in the R 18+ classification being interpreted as allowing depictions of explicit sex with persons portrayed as minors which are prohibited in the X 18+ classification.”*

Mr Spratt, in his verbal submission, stated that the AFA quote regarding the underage portrayal by Anderson was factually incorrect. He said the Classification Board erred in its report in a matter of fact as Anderson was 24 at filming and now aged 26. He also stated she was not portrayed in a child-like manner nor portrayed as to appear under the age of 18.

The Board accepted Mr Spratt’s evidence on this point and agreed that Anderson was not portrayed in a child like manner and did not appear under the age of 18.

#### X Classification

The X restricted classification states:

This classification is a special and legally restricted category which contains only sexually explicit material, that is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults.

No depiction of violence, sexual violence, sexualised violence or coercion is allowed in the category.

Whilst it was not relevant to the application for classification which was the subject of the Board’s determination, should the Board have been required to consider this issue, the Board considered that the film could not have been accommodated within the X classification due to the strong and extensive scenes of realistic and gratuitous violence, sexual violence and coercion.

## 7 Summary

The Board decided to set aside the decision of the Classification Board and to classify *Baise-Moi* RC (refused classification).

This decision was taken with due deliberation and consideration of the Act, Code and Guidelines, the applicant's request for review and the submission from Mr Spratt of Potential Films. The submission from the AFA was also considered.

It is the Board's belief that to classify the film in any other way than RC would have required the Board to ignore the requirements of the Act, the Guidelines and the Code agreed to by the Commonwealth, State and Territory Ministers with censorship responsibilities. The Act requires the Board to classify films "in accordance with the Code and the National Classification Guidelines".

The Board considered that the film contained scenes of violence which had a very high degree of impact and were prolonged and detailed. It also considered there were prolonged scenes of sexual violence. In a cumulative sense, the film as a whole depicted strong scenes of sex and violence which were inextricably linked throughout. This interaction of sex and violence in the film increased the impact of the individual scenes.

The Board also considered the statement in the Code regarding community concerns about the portrayal of persons in a demeaning manner.

The Board considered the scenes of the rape of Manu on all fours being given instruction by her rapists on how they wanted her to move and sound and the later, somewhat similar scene, of Manu instructing the man in the sex club to move and grunt and squeal while being on all fours were demeaning. The Board found that these scenes were intended to titillate.

In balancing the matters for consideration under the legislative scheme, whilst acknowledging the film has artistic merit, the Board did not consider its "serious cultural purpose" was sufficient to warrant a classification except "RC".



Maureen Shelley  
Convenor

19 June 2002