

36th MEETING

18 APRIL 2001

23-33 MARY STREET

SURRY HILLS NSW

PRESENT: Ms Barbara Biggins (Convenor)
Mr Jonathan O'Dea (Deputy Convenor)
Ms Glenda Banks
Ms Joan Yardley

APPLICANT **United International Pictures Pty**

BUSINESS: To review the decision of the Classification Board to assign the classification "MA15+" under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *The Mexican* with the consumer advice "Adult themes, Medium level violence".

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film *The Mexican* "MA 15+", and to assign the classification "M 15+" with the consumer advice "Frequent violence, coarse language".

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. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading "films" provides that films (except RC films, X films, and R films) that depict, express, or otherwise deal with sex, violence, or coarse language in such a

manner as to be unsuitable for viewing by persons who are under 15, are to be classified "MA". Para 5 of the Table provides that films ... that cannot be recommended for viewing by those under 15 are to be classified "M".

3. Procedure

3.1.1 Four members of the Review Board viewed the film *The Mexican* at its meeting on Wednesday 18th April 2001.

3.2 Mr Michael Selwyn attended the meeting to make representations on behalf of the applicant.

4. Matters taken into account

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

- (a) the applicant's Application for Review
- (b) oral submissions made on behalf of the applicant
- (c) the film *The Mexican*
- (d) the relevant provisions in the Act
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act.
- (f) the current *Guidelines for the Classification of Films and Videotapes* determined under Section 12 of the Act.

5. Findings on material questions of fact

The plot

5.1 Gangster gofer Jerry is sent to Mexico to bring back an ornate and valuable old pistol known as "The Mexican", much to the disgust of his girlfriend Samantha who moves to Las Vegas. She is kidnapped by a hired killer and held until Jerry retrieves the pistol. The story of the pistol is told in a series of flashbacks throughout the film.

The content

5.2 The Review Board considered the content cited by the Classification Board as warranting an MA classification. The Classification Board cited the adult theme of suicide (a depiction of suicide occurs at 107 mins), and two depictions of violence at 27mins and 77 mins as contributing to their decision to classify the film "MA 15+".

- 5.2 In considering the depiction of suicide, the Review Board found that this was discreet (in the sense used in the Guidelines) and that the theme of suicide in this context did not have a high impact.
- 5.3 The Review Board found that the film contained frequent scenes of violence, but that these did not contain a lot of detail and were not prolonged. The Review Board found the scene at 27 mins to have high impact but was brief and not detailed, and the scene at 77 minutes to have medium impact.
- 5.4 The Review Board found that there was a high frequency (over 50 uses) of coarse (“fuck”) language.
- 5.5 The Review Board found that the film cannot be recommended to those under the age of 15 years, but that the impact of depictions and references was not so strong as to require restriction. The film was therefore considered to be appropriately classified M15+.

6. Reasons for the Decision

- 6.1 The Review Board based its decision to set aside the decision of the Classification Board, and to assign the classification "M 15+" to the film *The Mexican* on the content of the film as set out in 5.2, 5.3 and 5.4 above.
- 6.2 The Review Board found that the context of the portrayal of the suicide of the young prospective bride at 107mins diluted the impact of the scene and theme. The story of the suicide was told in an historical flashback, and was filmed in sepia with flickery images. The Review Board took the view that there was little likelihood of viewer identification with the young bride. The scene had a strong air of unreality, had little detail, did not have a high degree of intensity, nor impact. The Review Board therefore concluded that the scene of suicide could be accommodated within the M category.
- 6.3 The Review Board found that the film contained a number of scenes of violence. (eg 20mins:character shot in head; 27mins gangster shot in toilet; 44 mins hostage shot in foot; 67 mins gangster shot; 92mins Leroy shot; 112mins gangster shot in throat). However, it found that while the scenes were realistically treated, they were generally not detailed within the meaning of the Guidelines. The scenes of high impact were very infrequent

- 6.4 The Review Board found that the film contained a high frequency of coarse language, mostly of the “fuck” variety. The Review Board notes that this is permitted at the M level.
- 6.5 The applicant argued in part that:
- a) In the scenes of violence, the visuals have been restricted to an implication of violence, or to a minimum of screen time
 - b) in relation to the suicide, this is shot in a manner reminiscent of the early years of cinema, and is an extremely discreet interpretation of the scene
- 6.6 The Review Board did not disagree with these views.
- 6.7 The Review Board concluded that while the portrayals in the film would be considered harmful or disturbing to those under the age of 15 years, their impact was not so strong as to require restriction. Rather, they contained elements which made the film unsuitable to be recommended for viewing by children under the age of 15 years, and it is therefore classified "M 15+", within the meaning of Table 5 under the heading "Films" in the Code.
- 6.8 The Review Board's decision to assign the consumer advice lines "Frequent violence, coarse language" is made having regard to the content of the film as described in 5.3 and 5.4 above.

7. Conclusion

The Review Board's decision is to classify the film *The Mexican* "M 15+" with the consumer advice lines "Frequent violence, coarse language."

This decision is taken after full consideration of the applicant's submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Classification Guidelines for Films and Videotapes* determined under Section 12 of the Act.

Barbara Biggins
Convenor