



CLASSIFICATION REVIEW BOARD

23 January 2003

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Mr Jonathan O’Dea (Deputy Convenor)
Ms Robin Harvey
Ms Jan Taylor

APPLICANT: Twentieth Century Fox Film Distributors Pty Ltd

BUSINESS: To review the Classification Board’s decision to classify the film *Phone Booth* ‘MA15+’ with the consumer advice ‘Medium Level Coarse Language’ under the *Classification (Publications, Films and Computer Games) Act 1995*

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) decided to set aside the decision of the Classification Board to classify the film *Phone Booth* ‘MA15+’ with the consumer advice ‘Medium Level Coarse Language’. The Review Board classified the film ‘M15+’ with the consumer advice ‘Frequent Coarse Language, Medium Level Violence’.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Classification Act) governs the classification of films and the review of classification decisions. Section 9 of the Classification Act provides that films are to be classified in accordance with the National Classification Code (the 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'. Paragraph 5 of the Table provides that films ... that cannot be recommended for viewing by those under 15 are to be classified 'M'.

Section 11 of the Classification 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; and
- (b) the literary, artistic or educational merit (if any) of the film; and
- (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.

3. Procedure

Three members of the Review Board viewed the film at the Board's meeting on 23 January 2003.

The Review Board received a written application for review and a supporting written submission from the Applicant. Mr John Dickie also made a verbal submission on behalf of the Applicant. Mr Sunder Kimitrai, Mr Chris Smith and Mr Russell Anderson also attended on behalf of the Applicant during Mr Dickie's verbal submission.

The Review Board then met in camera to consider the matter.

4. Matters taken into account

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

- (i) the applicant's application for review (including oral and written submissions);
- (ii) the film *Phone Booth*;
- (iii) the relevant provisions in the Classification Act;
- (iv) the relevant provisions in the Code, as amended in accordance with section 6 of the Classification Act; and
- (v) the *Guidelines for the Classification of Films and Videotapes*, as amended in accordance with section 12 of the Classification Act.

5. Findings on material questions of fact

The film is set in central New York and the central character is Stu Shepard, a fast talking publicist. Stu finds himself trapped in a public phone booth by a sniper. He is pressured to leave by workers from a nearby strip club and, after a shooting, the

police. A tense situation is created whereby Stu is unable to safely leave the phone booth without fear of a fatal gunshot.

The film contained many instances of coarse language, particularly the word ‘fuck’ and its derivatives. The film also contained significant violence, including killings (containing little detail) at 28 minutes (pimp shot by sniper) and 69 minutes (pizza man’s throat cut) as well as psychological torture of Stu involving the threat of violence.

The Review Board found that the film as a whole can not 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 legal restriction. The film was therefore considered to be appropriately classified M15+.

6. Reasons for the decision

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 *Phone Booth* on the content of the film as set out above. In doing so, the Review Board particularly considered the film’s violence and coarse language.

The Review Board noted that the guidelines permit use of the work ‘fuck’ and its derivatives at M15+ and found that the coarse language could be accommodated in that classification. Although the language is not essentially gratuitous in the context of the New York street setting and the nature of the characters, it is frequent. While the language is used within the context of outbursts of frustration, anger and at times aggression, it is generally used in a defensive and not an overly strong or very aggressive fashion.

Regarding violence, there were no depictions of explicit violence that contained a lot of detail or that were prolonged. While there was an ongoing and prolonged threat of violence, this was justified by the context and the impact was not so high as to warrant restriction.

The combination of elements and overall impact were such that the film would be potentially (but not likely) harmful or disturbing to those under 15 years of age. As such they did not justify the restriction of a MA15+ classification.

However, in the Review Board’s view, the frequent coarse language and level of violence did warrant consumer advice at the M15+ classification level.

7. Summary

The Review Board found that the film warranted a M15+ classification as it contained material that it considered to be potentially but not likely to be harmful or disturbing to those under 15 years of age. The Review Board therefore decided to classify the film *Phone Booth* M15+ with Consumer Advice ‘Frequent Coarse Language, Medium Level Violence’.