



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

6 April 2005

23-33 MARY STREET  
SURRY HILLS NSW 2010

- MEMBERS:** The Hon Trevor Griffin (Deputy Convenor)  
Ms Dawn Grassick  
Mr Robert Shilkin
- APPLICANT:** Twentieth Century Fox (Fox), original applicant for classification, represented by Mr Chris Smith (Twentieth Century Fox) and Mr John Dickie (expert witness).
- INTERESTED PARTIES:** None
- BUSINESS:** To review the Classification Board's decision to classify the film *Guess Who?* (the film) 'M' with the consumer advice "Sexual References".

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board (the Review Board) classified the film 'M' with the consumer advice "Sexual References".

**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.

Relevantly, the Code in paragraph 5 of the Table under the heading "Films" provides that:

Films (except RC films, X films, R films, MA films) that cannot be recommended for viewing by persons who are under 15

are to be classified 'M'. The Code also sets out various principles to which classification decisions should give effect, as far as possible.

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.

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 6 April 2005 in response to the receipt of a valid application from the applicant Twentieth Century Fox, heard submissions by the representatives of Fox and viewed the film.

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

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

- (i) Fox's application for review;
- (ii) Fox's 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**

The film is a comedy in which a black woman brings home her white male partner to introduce him to her parents, intending to inform her parents that she intends to marry the man.

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

The Review Board noted a number of scenes which contained sexual references and sexual innuendo. These scenes included but were not limited to:

- About 14:45, the father of the woman asks the taxi-driver (mistaken for her male friend that she is bringing home): “Are you doing everything to make my daughter happy?” to which the taxi-driver replies: “I’d sure like a crack at it”. This is repeated in similar terms when the taxi-driver turns to leave. The sexual innuendo is quite apparent and unsubtle.
- 20:30: Male puts on lingerie, teases his girlfriend and smacks his bottom in a mildly sexually provocative manner. The pair are then caught in an apparent sexual position (full clothed) on the bed.
- 26:00: A female and her sister talk about the size of white men’s penises and the ability of her boyfriend’s penis to “sing”. There is another reference to this conversation in the restaurant at about 33:00.
- 36:00 and 39:00: the father makes references to his relief that his daughter is not being “violated”.
- About 72:00: there is a reference to the boyfriend cheating on his girlfriend “just the one time and you caught me”. The sexual innuendo is apparent.

The Review Board considered that while some of the innuendo may be “lost” on younger children, there were a number of sexual references that were quite unsubtle, direct and blatant. The most obvious of these was the scene in which the two females discuss penis size. The Review Board found that the fact that it was two women discussing this topic increased the impact of the scene.

While the impact of each individual scene was not necessarily higher than mild, the Review Board considered that there were sexual references and innuendo at fairly frequent intervals throughout the film and, taken together, the impact was higher than mild.

The Review Board also considered that the language throughout the film added to the impact of the scenes described above. For example, the word “shit” is used at least 10 times, and “ass” is used with some frequency, sometimes in conjunction with sexual references and sexual innuendo.

### ***7 Reasons for the decision***

The Review Board found that the cumulative impact of the scenes described above was higher than mild but no higher than moderate.

### ***8 Summary***

In the Classification Review Board's opinion, after considering the matters referred to in the Act, Code and Guidelines, the film warrants an M classification rather than a PG classification. The consumer advice is "Sexual References".