



## CLASSIFICATION REVIEW BOARD

6 November 2003

23-33 MARY STREET  
SURRY HILLS, NSW

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

**APPLICANT:** Twentieth Century Fox

**BUSINESS:** To review the Classification Board’s decision to classify the film *Thirteen* R (Restricted) under the *Classification (Publications, Films and Computer Games) Act 1995*

### DECISION AND REASONS FOR DECISION

#### 1. Decision

The Classification Review Board (the Review Board) has classified the film *Thirteen* ‘MA15+’ with the consumer advice ‘adult themes, drug use’.

#### 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 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'. The Code also states various principles for classifications, including that 'minors should be protected from material likely to harm or disturb them'.

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 the:

- (a) standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) literary, artistic or educational merit (if any) of the film; and
- (c) general character of the film, including whether it is of a medical, legal or scientific character; and
- (d) 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 Classification Guidelines determined under section 12 of the Classification Act:

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

### **3. Procedure**

Having earlier received a valid written application for review, three members of the Review Board viewed the film *Thirteen* at the Board's meeting on 6 November 2003.

The Review Board then received a verbal submission from Mr John Dickie representing the Applicant, which was confirmed in a written submission. Mr Russell Anderson, Sales Manager for Film, Twentieth Century Fox Film Distributors Pty Ltd, and Mr Chris Smith, National Print Controller, Twentieth Century Fox Film Distributors Pty Ltd, also attended on behalf of the Applicant during Mr Dickie's verbal submission.

The Board then met in camera to consider the matter.

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

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

- (i) the applicant's application for review (including written and oral submissions);
- (ii) the report of the Classification Board relating to *Thirteen*;
- (iii) the film *Thirteen* ;
- (iv) the relevant provisions in the Classification Act;

- (v) the relevant provisions in the Code, as amended in accordance with section 6 of the Classification Act; and
- (vi) the *Guidelines for the Classification of Films and Computer Games*.

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

The film is about two thirteen year olds (Tracy and Evie) and the destruction they cause to themselves, their families and their friends as they move towards adulthood. The concerning or uncontrolled behaviour from the two girls includes an increasing withdrawal from the family, physical self-harm, theft and experimentation with drugs and sex.

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

- (a) Themes – there are strong themes of self-harm, drug use/abuse and family dysfunction. However these are justified by context and are treated in a restrained and non-exploitative manner.
- (b) Violence – self-harm with Tracy cutting her arm with either scissors or a razor blade (at 25, 38, 83 minutes). Self harm is a pattern of behaviour sometimes used by adolescents in an attempt to deal with extreme feelings of distress or anger. Although very concerning, this behaviour never constituted attempted suicide and was accurately portrayed in the movie; body piercing (at 28 and 36 minutes) and implied violence with a depiction of a scar on Evie’s back (at 49 minutes). The violence is overall justified by context.
- (c) Sex – this is implied (at 48 minutes) but not actually shown.
- (d) Language – use of strong coarse language in phrases such as ‘suck your dick’ (at 41 minutes), ‘fucking cunt’ (at 52 minutes) and ‘fuck this work shit’ (at 70 minutes) are infrequent and generally allowable under a ‘MA15+’ rating.
- (e) Drug use – aerosol can sniffing by the girls in a scene which also involves some violent hitting (at 1 minute and 74 minutes), Evie selling drugs and drug use with boys (at 21 minutes), hazy flashback to inhaling by mother’s boyfriend (23 minutes), girls smoke joints with boyfriends (at 47 minutes), drugs in street scene (at 56 minutes), the two girls snort powder (at 65 minutes). These scenes are justified by context.
- (f) Nudity - the depiction of mother’s breasts and pubic hair (at 65 minutes) is totally in context and not ‘sexual’.

The Board found that while the overall impact of the material was ‘strong’, there was not sufficient strength in the behaviour of the girls to cause a higher level of impact for any individual scene or cumulatively. Scenes were dealt with in a realistic yet restrained manner that was not gratuitous or exploitative. Each scene was justified by the context in which it was presented and the overall theme of the film. The

restraining, moderating and compassionate behaviour of adults in various other scenes also had an effect of lessening the impact of negative scenes.

The film also has a satisfactory resolution. In the end the girls run out of luck and into trouble - while their mothers continue to offer love as best they can. Although Evie's family situation is still far from ideal, the viewer is left with a sense that she will cope. The compassion of the girls' respective mothers is a clear constant in the film, despite moments of anger and despair while they struggle to maintain relationships.

## **6. Reasons for the decision**

The Review Board based its decision to classify the film *Thirteen* 'MA15+' with the consumer advice 'adult themes, drug use' on the content of the film as set out in 5. above.

The behaviours of concern are portrayed as experimental and age appropriate for early adolescence. As the Applicant submitted, 'it is not a film about serious violence or sex or even drugs that you would expect to find when adults are indulging in these activities'.

*Thirteen* is a serious film that confronts a range of issues that face some kids in early teenage years and provides realistic perspective from the point of view of both teenagers and parents. The Review Board believed that the various potentially controversial scenes were depicted in context and not gratuitous or glamorised.

The Board therefore found that the treatment of the strong themes was justified by context, as were the violence and drug use. Further, the 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 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.

## **7. Summary**

While the classifiable elements and the impact in the overall context of the film *Thirteen* 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 adult themes and drug use contained in the film.