



Australian Government

Classification Review Board

12 December 2013

**23-33 MARY STREET
SURRY HILLS, NSW**

MEMBERS:	Ms Victoria Rubensohn (Convenor) Mr Peter Attard Dr Melissa de Zwart
APPLICANT	Roadshow Film Distributors
INTERESTED PARTIES	None
BUSINESS	To review the Classification Board's (the Board) decision to classify the film <i>Inside Lewyn Davis</i> MA 15+ with the consumer advice 'Strong coarse language'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film *Inside Lewyn Davis* M, with the consumer advice 'Frequent coarse language and mature themes'.

2. Legislative provisions

The *Classification (Publications, Films and Computer Games) Act 1995* (Cth) (the Classification Act) governs the classification of films and the review of classification decisions.

The Review Board

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42(1) of the Classification Act sets out the persons who may apply for review of a decision:

- (a) the Minister

- (b) the applicant for classification of the film, or the likely classification of the film under section 33
- (c) the publisher of the film, or
- (d) a person aggrieved by the decision.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44(1), the Review Board must deal with an application for review in the same way that the Board deals with an application for classification of a film.

Classification of Films under the Classification Act

Section 9, subject to section 9A, provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a film that advocates the doing of a terrorist act must be classified RC.

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.

The National Classification Code

Relevantly, the Films Table of the Code under paragraphs 4 and 5 provides that:

Films (except RC films, X 18+ films and R 18+ 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 under 15 are to be classified MA 15+.

Films (except RC films, X 18+ films, R 18+ films and MA 15+ 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:

- (a) adults should be able to read, hear, see and play 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;
- (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.

The Guidelines

Three essential principles underlie the use of the *Guidelines for the Classification of Films 2012* (the Guidelines), determined under section 12 of the Classification Act:

- the importance of context
- the assessment of impact, and
- the six classifiable elements – themes, violence, sex, language, drug use and nudity.

3. Procedure

Three members of the Review Board met on Thursday 12 December 2013 in response to the receipt of an application from the original application, Roadshow Films on 6 December 2013 to conduct the review of the film *Inside Llewyn Davis*, which had previously been classified MA 15+ by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written submission from the Applicant.

The Review Board viewed the film.

The Review Board heard an oral submission from the Applicant.

The Review Board then considered the matter.

4. Evidence and other material taken into account

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

- (i) Roadshow Film's application for review
- (ii) Roadshow Film's written and oral submissions
- (iii) the film, *Inside Llewyn Davis*; and
- (iv) the relevant provisions in the Classification Act, the Code and the guidelines.

5. Background

The Review Board noted the Board's decision report of *Inside Llewyn Davis*.

6. Synopsis

Inside Llewyn Davis depicts a few days in the life of Llewyn Davis, a young man struggling to make it as a folk singer in New York in 1961. Living on the charity of both friends and strangers, Llewyn's misadventures take him from Greenwich Village, New York to an empty Chicago club to audition for a music mogul, and back to New York.

7. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements:

- (a) Themes – The film deals with themes of suicide, abortion, and poverty. During the course of Llewyn's travels it is revealed that his former music partner, Mike, had committed suicide. This has clearly impacted on Llewyn personally and professionally. Llewyn also has to deal with discussing, arranging and paying for an abortion for Jean, the partner of his friend, Jim. Llewyn also discusses the abortion with a doctor. The impact of these elements is no higher than moderate, carries no

sense of threat or menace and is justified by context. These themes can be accommodated at the M level.

(b) Violence – The film contains a scene, which is repeated twice, where Llewyn is punched up by the disgruntled husband of another performer. The impact of this element is no higher than moderate and can be accommodated within the M level.

(c) Sex – There is no sexual activity in the film. There are several sexual references. The impact of this element is no higher than moderate and can be accommodated at the M level.

(d) Language –The film contains frequent uses of the word “fuck” and its derivatives in a number of contexts. For example, Jean tells Llewyn to “fuck off” and that he is a “shit” and an “asshole”. Llewyn is in fact reprimanded by his sister for using coarse language and he apologises to her for it. The context of the use of this language is as an expression of Llewyn’s frustration with the circumstances of his present life and the difficult interactions he has with various characters. Coarse language is used aggressively infrequently in the film and is justified by context.

The impact of this element is no higher than moderate and can be accommodated at the M level.

(e) Drug Use – There is one instance of implied drug use, which is justified by context. The impact of this element is no higher than moderate and can be accommodated at the M level.

(f) Nudity –There was no nudity in the film.

8. Reasons for the decision

The film contains frequent coarse language, in particular use of the word “fuck” and its derivatives, in a range of contexts. The impact of the language is no higher than moderate as it is justified by context. Coarse language may be used. Where the language is used aggressively it is justified by context.

The treatment of themes was also moderate and justified by context. Themes may be accommodated within the M level.

9. Summary

Material classified M is not recommended for persons under 15 years of age. The Review Board determined that the film should be classified M with the consumer advice ‘Frequent coarse language and mature themes’.