



# Australian Government

---

## Classification Review Board

**12 September 2009**  
**23-33 MARY STREET**  
**SURRY HILLS, NSW**

**MEMBERS:** Ms Victoria Rubensohn (Convenor)  
The Hon Trevor Griffin (Deputy Convenor)  
Ms Ann Stark

**APPLICANT** The Minister for Home Affairs

**INTERESTED PARTIES** Australian Film Syndicate, the distributor of the film and original applicant for classification. Mr Richard J. Frankland, director of *Stone Bros*.

**BUSINESS** To review the Classification Board's decision to classify the film *Stone Bros* MA 15+ with the consumer advice 'Strong drug use'.

### **DECISION AND REASONS FOR DECISION**

#### **1. Decision**

The Classification Review Board (the Review Board) classified the film MA 15+ with the consumer advice 'Drug use with strong impact'.

#### **2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (Cth) (the Classification Act) governs the classification of films and the review of classification decisions. Section 9 provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

The Code in paragraph 5 of the table under the heading 'Films' 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+, and

‘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.

Section 11 of the 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 *Guidelines for the Classification of Films and Computer Games 2005* (the Guidelines), determined under s 12 of the Act:

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

### **3. Procedure**

A three member panel of the Review Board met on Saturday, 12 September 2009 in response to the receipt of an application from the Minister for Home Affairs on 28 August 2009, to conduct a review.

The Review Board viewed the film on 12 September 2009.

The Review Board heard extensive oral submissions from Ms Allannah Zitserman, Mr Stavros Kazantzidis and Ms Cassie Kelly representing the Australian Film Syndicate, and Mr Richard J. Frankland who directed the film. These were made in addition to a written submission.

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) The Minister for Home Affairs’ application for review
- (ii) The Australian Film Syndicate’s written and oral submissions
- (iii) The oral submission of Mr Frankland
- (iv) Written submissions provided by:
  - Young Media Australia;
  - members of the public;

- Mr Ross Hutchens, the producer of *Stone Bros*;
- the director of the Centre for Australian Indigenous Studies, Professor Lynette Russell;
- Judge Stephen Norrish of the District Court of NSW;
- Ms Leanne Townsend, Chief Executive Officer, NSW Reconciliation Council; and
- Dr Peter Lewis, Chairperson of the Australians for Native Title and Reconciliation in Victoria.

- (v) the film, *Stone Bros*
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vii) the Classification Board's report.

## 5. Synopsis

The 'Short Synopsis' in the Press Kit, included as part of the submission by the Australian Film Syndicate, puts the story-line succinctly as follows:

'Eddie (Luke Carroll) is getting jack of city life and decides it is time to reconnect with his blackfella roots, so he takes off in his beat-up Ford Fairmont to find and return a sacred stone to his hometown, Kalgoorlie. But he hadn't bargained on his skirt-chasing, hard-living cuz Charlie (Leon Burchill) forcing himself along for the ride. Eddie's spiritual quest takes a further detour when they encounter an Italian sex- god (Valentino Del Toro), a soul-searching cop (Peter Phelps), a failed drag singer (David Page) and a demon dog possessed by Charlie's jilted girlfriend.'

## 6. 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

There are several themes but the principal themes identified are drug use and rehabilitation, family relations and reconciliation.

Mr Frankland, the Director, submitted that the 'film is about responsibility' and is about 'contributing to the cultural landscape of Australia'. The Board accepts that responsibility is also a theme specific to this film.

According to the written submission by the Australian Film Syndicate:

'"*Stone Bros.*" acknowledges the presence of marijuana in the community in an attempt to raise awareness and discredit its use. Smoking marijuana is established in the initial part of the film to enhance the growth and development of the characters and ultimately promote an anti-drug message'.

While the drug use depiction will be addressed later under the classification element of 'drug use', the Review Board is of the view that the classifiable element of the Themes can be accommodated in a lower classification than MA 15+.

**(b) Violence**

The level of violent behaviour and language is not an issue in relation to this film and its classification. Violence is rare – the scene at about 33 minutes, when Eddie is angry with Paul in a prison enclosure and tries to strangle him, is one of those occasions. The Review Board is of the view that the violence can be accommodated at a lower classification than MA 15+.

**(c) Language**

There is coarse language throughout the film. There is frequent use of 'fuck' language and variations as expletives and the occasional use of 'shit' and one instance of 'arsehole'. The Review Board is of the view that this coarse language can be accommodated in a lower classification than MA 15+.

**(d) Sex**

There are several scenes of sexual activity and the occasional sexual innuendo in the film, but in the view of the Review Board the sexual activity in the film is discreetly implied, usually in subdued lighting and is justified by context. It can, therefore, be accommodated at a lower classification than MA 15+.

**(e) Drug Use**

From the start of this film the focus is on marijuana, with a close-up of hands initially cutting and then rolling joints of marijuana and a title of 187 joints.

There are many instances of marijuana use, some whilst driving. Some instances may be considered as involving elements of fantasy such as Eddie's prolonged exhalation of smoke at 16 minutes and the car filled with smoke at 20 minutes, but there are numerous occasions where the use of marijuana and its apparent effects are realistic, sometimes in circumstances which might objectively be described as irresponsible, even dangerous, such as smoking marijuana and driving a car with clearly disordered perception. There are several occasions where Eddie or Charlie or both are chastised for their drug use.

The following instances are examples only of scenes depicting the use of marijuana and are not an exhaustive list of those scenes the Board considered depicted the realistic use of marijuana and its effects:

- At 4 minutes, 186 joints are emptied onto a table by Charlie in Eddie's presence.
- At 10 minutes, Eddie is driving his car with Charlie in the passenger seat. Charlie says, with a mischievous smile on his face: 'We have plenty of supplies' and holds up a joint. He asks Eddie: 'Do you want one?' Eddie replies: 'No, I'm driving'. Charlie lights up. At 11 minutes, Eddie says: 'Just a little one' and takes a puff.

- At 15 minutes, sitting beside a campfire, cooking the kangaroo they had hit whilst driving, Charlie tosses Eddie a joint and he lights up. Eddie hallucinates that he is black, he having previously complained that he was more white-skinned than Charlie was black.
- At 18 minutes, Eddie is driving with both he and Charlie exchanging joints and smoking, with blurred vision shown.
- At 20 to 23 minutes, Eddie and Charlie pass a hitchhiker (Vince). They debate: 'Should we pick her up?' They stop in the middle of the road and then reverse back along the road, swerving from one side of the road to the other, knocking over several roadside markers as they go. They debate whether the hitchhiker is a man or woman. The erratic backing of the car and the debate as to the gender of the hitchhiker give a clear indication of impaired judgement linked to the use of marijuana.
- At 24 minutes, with Vince in the back seat, Charlie hands a joint to Vince.
- At 46 minutes, Regina, in the car, takes a joint and lights up and within a few minutes (at 50 minutes) Charlie also lights up.
- At 59 minutes, after a wedding, Charlie and the bridegroom are discussing the rules of behaviour that the bride has imposed. Charlie: 'There is nothing in here (the list of rules) that says you can't smoke a joint.' The groom smokes a joint and collapses.

Several other scenes should be noted:

- At 5 minutes, Rhonda chastises Charlie – 'I have had enough of you Charlie – party, party, party, sitting around all day!'
- There are comedic scenes involving a vicious terrier dog, while Charlie smokes a joint near the campfire and ultimately settles the dog by getting it to inhale some marijuana smoke – at 1 hour 8 to 1 hour 13 minutes.
- At 1 hour 23 minutes, Eddie and Charlie stand on a hill overlooking Kalgoorlie. Charlie throws down an unsmoked joint, exclaiming: 'I don't need this shit!' At 1 hour 25 minutes Eddie's mum smelt his hair and exclaims: 'you've just smoked that shit.'

**(f) Nudity**

There is only one instance of nudity and that is in the closing stages of the film as Mark (the new age cop) walks away from the camera, removing his clothing as he walks, until he is naked and free. The viewer sees a distance shot of bare buttocks. The Review Board concludes that this instance can be included in a lower classification than MA 15+.

**7. Reasons for the decision**

The written submission from the Australian Film Syndicate says:

‘Whilst we acknowledge that on-screen content depicts the illegal activity of marijuana smoking, it should be considered that the display of this activity is presented to promote an anti-drug message. “Stone Bros” does not glorify, encourage or condone the use of marijuana but rather intends to deliberately mock this social activity to raise community discussion.’

The Review Board questioned the director and representatives of the Australian Film Syndicate at length about the target audience. The response was that the target audience is young people and that it was hoped to develop curriculum for schools in conjunction with the showing of the film. It was submitted that the MA 15+ classification would compromise that objective. The submission from the Australian Film Syndicate was that:

‘*Stone Bros* has a positive anti-drug message as Charlie and Eddie realise that they don’t need to smoke marijuana to have a full and happy life.’

Whilst this may be the case, (and it is rather subtle compared with the explicit use of marijuana frequently depicted in the film) the Review Board must also look at the impact of the drug use in the film in the context in which it appears and as it may be discerned by the broad Australian community.

As has already been indicated, whilst there can be discerned in the film elements of fantasy, depictions of marijuana use is, overall, realistic and frequent and accompanied, at least in the first half of the film, by expressions of enjoyment.

Under the Guidelines, the impact of the classifiable elements in the M classification should be no higher than moderate and in the MA 15+ classification should be no higher than strong. The Review Board assesses the impact of the drug use in this film as strong. It cannot regard the realistic depictions of marijuana use, in the context in which they occur, as no higher than moderate notwithstanding the aspirations of the Director and the Australian Film Syndicate and some of those who made submissions to the Review Board.

The Review Board also considered that some children of or below the age of 15 years would have difficulty discriminating between the fantasy and realistic depictions of drug use. It should be noted that the MA 15+ classification is for material considered unsuitable for persons under 15 years of age. It is a legally restricted category in that a person under that age may not be admitted to a public screening without a parent or guardian.

The Review Board considers that the film is unsuitable for persons under 15 years of age.

Classification of *Stone Bros* at M would, in the consideration of the Review Board, be misleading in respect of the treatment of marijuana. The Review Board is cognisant of its responsibility to provide accurate guidance for consumers and parents of consumers as to the content and impact of the elements of a film. It considered at length the matter of the ‘literary, artistic or educational merit (if any) of the film’ as required by the Act and the submissions regarding the proposed cultural uses of this film. Ultimately it concluded that it was unable to make an exception from the application of the Act, Code and Guidelines because of intended usage, no matter how

potentially beneficial to a section of the community it may be intended to be by those responsible for the film.

In respect of the consumer advice, the Review Board is of the view that 'Drug use with strong impact' is a clearer warning to parents and guardians than 'Strong drug use'. In taking this decision the Review Board wished to give an indication to consumers that it was the drug use and abuse behaviour which warranted classification at MA 15+, rather than the specific drugs depicted. It concluded that such advice would enhance consumer information.

## **8. Summary**

The Review Board concludes that as the film contained representations of drug use which are frequent and realistic and strong in impact the classification should be MA 15+ with the consumer advice 'Drug use with strong impact' and so decided.