



Australian Government

Classification Review Board

20 June 2013
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Dr Melissa de Zwart (Chair)
Ms Jane Smith
Mr Peter Attard

APPLICANT Roadshow Film Distributors

INTERESTED PARTIES

BUSINESS To review the Classification Board's decision to classify the film *Behind the Candelabra* MA 15+ (Mature accompanied) with the consumer advice 'Strong themes and sex scenes'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film M (Mature), with the consumer advice 'Drug Use, Coarse Language and Sex Scenes'.

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.

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

Films (except RC films, X 18+ films, R 18+ films, MA 15+ films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians are to be classified 'PG', 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.

The Code also sets out various principles to which classification decisions should give effect, as far as possible.

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

The Review Board met on 20 June 2013 in response to the receipt of an application from Roadshow Film Distributors on 4 June 2013 to conduct the review.

Three members of the Review Board viewed the film on 20 June 2013.

The Review Board heard oral submissions from a representative of the applicant. The applicant also provided 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) Roadshow Film Distributors' application for review
- (ii) Roadshow Film Distributors' written and oral submissions
- (iii) the film, *Behind the Candelabra*
- (iv) the relevant provisions in the Classification Act, the Code and the Guidelines, and

- (v) the Classification Board's report

5. Synopsis

Behind the Candelabra depicts the relationship between Liberace, a flamboyant pianist and entertainer, and one of his lovers, Scott Thorson. The film begins with the meeting between Liberace and Scott and details their seven year relationship, leading up to the couple's breakup, and ending with Liberace's death.

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 – The film deals with sexual relationships. At approximately 26 minutes, Scott and Liberace are in bed naked. It is implied that they have just had sex and are discussing sexual performance and sexual preferences. Scott asks Liberace “how do you stay hard ... (it's) the fourth time since lunch”. In response, Liberace admits to having had penile implants and the discussion continues regarding loss of virginity and attraction to women. The film also contains themes regarding plastic surgery and features brief, in theatre, scenes of incisions to the face and scalp.

(b) Violence – The violence in the film is of a low level with a low sense of threat or menace and may be accommodated at a lower classification.

(c) Language – The film contains coarse language which is justified by context.

(d) Sex – The film depicts the sexual relationship between Liberace and Scott. At approximately 37 minutes the couple are shown in bed, engaging in implied sexual activity. The couple are shown from a low front angle, with only their heads and naked torsos visible to the camera. The duration of this scene is less than 10 seconds. At 64 minutes the couple have a discussion about sexual practices in particular anal sex and pornography. In the next scene, (at approximately 68 minutes) Liberace and Scott are shown visiting a porn shop and a porn movie is playing in the background, with the sounds of sex coming from behind various cubicle doors.

(e) Drug Use – Scott becomes addicted to prescription drugs and is shown ingesting these drugs on a number of occasions. At 91 minutes Scott's drug dealer is briefly shown snorting cocaine. Numerous references are made to drugs throughout the film and to Liberace instructing Scott to stop taking drugs. For example, at 60 minutes he tells Scott “to stop taking the pills, it's just the shit talking”. Scott's lawyer refers to him as a “drug addict” at 102 minutes. However, at the end of the film Scott appears to be healthy and off drugs.

(f) Nudity – Nudity is implied and justified by context.

7. Reasons for the decision

The Review Board unanimously decided that the impact of the classifiable elements is no higher than moderate. The theme of sexual relationships is justified by context, as the film explores the nature of the relationship between the older, flamboyant showman, and the younger man. The sexual activity was implied and justified by context, and was moderate in impact. Drug use, although frequent, was moderate in impact and justified by context, as the film dealt with the consequences of addiction.

8. Summary

The Review Board decided that the film should be classified M with consumer advice of “Drug Use, Coarse Language and Sex Scenes”.