



Australian Government
Classification Review Board

22 October 2007
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Ms Ann Stark

APPLICANT Paramount Pictures Australia

INTERESTED PARTIES None

BUSINESS To review the Classification Board's decision to classify the film *Sleuth* MA 15+ with the consumer advice 'Strong coarse language'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified the film *Sleuth* M, with the consumer advice 'Strong coarse language, Infrequent aggressive coarse language, Adult themes'.

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 provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Relevantly, the Code 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.

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 22 October 2007 in response to the receipt of an application from Paramount Pictures Australia on 10 October 2007.

A three member panel of the Review Board determined it had a valid application and viewed the film, *Sleuth*.

The Review Board heard an oral submission from Mr Michael Selwyn, Managing Director of Paramount Pictures Australia.

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) Paramount Pictures Australia's application for review
- (ii) Paramount Pictures Australia's oral submissions
- (iii) the film, *Sleuth*
- (iv) the relevant provisions in the Act, the Code and the Guidelines, and
- (v) the Classification Board's report.

5. Synopsis

This is a rewrite and remake of a psychological drama based on an award winning play. An ageing writer of detective stories (played by Michael Caine as Andrew) executes an elaborate plan of revenge on a young out of work actor (played by Jude Law as Milo) who is having an affair with the writer's wife. The plan is a dangerous game of cat and mouse.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements, namely, themes and language:

(a) Themes –

The principal themes relate to infidelity and conspiracy to commit a crime. Both themes can be accommodated in the ‘M’ classification in respect of which the treatment of themes may have a sense of threat or menace no higher than moderate. While the coarse language (to which reference is made later in these reasons) is uttered on infrequent occasions with emphasis or strongly, there is little threat or menace in the themes of themselves.

(b) Violence –

There are scenes where violence is depicted but it was not the basis on which the MA 15+ classification was made by the Classification Board. In any event, the Classification Review Board was of the view that the violence was moderate in impact and was justified by context.

(c) Language –

The coarse language in this film comprises the word ‘fuck’ and its derivatives and the word ‘cunt’.

The word ‘fuck’ or its derivatives is used on about 16 occasions by both actors in a film which runs for about 90 minutes. It is used in different contexts:

- 1 As a verb:
At approximately 7 minutes, Andrew, the ageing writer, confronts the young actor, Milo, about Milo’s affair with Andrew’s wife:
‘I understand that you are fucking my wife’.
Then follows some dialogue in which the word ‘fuck’ is used three times.
- 2 As an exclamation or pseudo oath when an actor is surprised or frustrated:
At approximately 25 minutes, Milo falls off a chain ladder and exclaims: ‘fuck!’ And, again, at approximately 24 minutes when a ladder that Milo was using falls from the wall against which it is propped, leaving Milo stranded. He exclaims: ‘fuck!’
- 3 As an expletive attributive:
At approximately 26 minutes, Milo is searching for a safe in Andrew’s wife’s bedroom. Frustrated, he exclaims:
‘Where’s the fucking safe?’
At approximately 11½ minutes, as Milo talks about marrying Andrew’s wife, Andrew says:
‘Unless you listen to me it will all be a fucking disaster’.

There is one scene at approximately 33 minutes where the word is used aggressively and loudly by Andrew. Milo claims that Andrew’s wife is having an affair with a hairdresser. Andrew responds loudly and aggressively:

‘A hairdresser is fucking my wife?!’

In the Review Board’s view these sorts of scenes are infrequent and in context.

The word ‘cunt’ is used three times, twice at approximately 21 minutes – in conversational tone and with the meaning ‘a contemptible person’. At approximately 80 minutes, in Andrew’s bedroom, Milo lies on the bed. Andrew stands beside him and lightly strokes Milo’s hair with one finger:

Milo: ‘Fuck off you big poof.’

Andrew: 'You're a cunt!' yelled loudly and with menace.
It is the language in this scene which the Classification Review Board regards as aggressive and strong coarse language, but it is infrequent and justified by context.

There is no evidence of sex, drug use or nudity.

7. Reasons for the decision

In the 'M' classification coarse language may be used and aggressive or strong coarse language should be infrequent and justified by context.

In the view of the Review Board, there is one scene where the word 'cunt' is used in a context which is judged to be aggressive and strong – at approximately 80 minutes. Also in the view of the Review Board, there are two scenes where 'fucking' is used where it is determined to be aggressively used – at approximately 33 minutes and 52 minutes. The scene at 52 minutes involves an investigating detective who pulls Andrew's face close to his and says in a threatening and aggressive manner:

'Don't fuck about, don't bullshit me!'
and forces Andrew into a lift.

These three scenes and the respective coarse language are, in the view of the Review Board, infrequent and can be justified by the context in which they each occur. Therefore, they can be accommodated in the 'M' classification. The other usages of both 'fuck' and 'cunt' words fall within the 'coarse language' category and therefore are accommodated in the 'M' classification.

8. Summary

The Classification Review Board determined that the themes and violence are accommodated in the 'M' classification, the three instances of aggressive or strong coarse language are infrequent and justified by context and that the other instances of coarse language are within the 'M' classification. However, to ensure that adequate warning is given to parents or guardians of children under 15 years that the film is not recommended for viewing by children under the age of 15 years, the Review Board was of the view that these reasons should be explicit as to the nature of and context in which the coarse language is used and that more fulsome consumer advice should be required in this instance as follows:

'Strong coarse language, Infrequent aggressive coarse language, Adult themes'.