



Australian Government

Classification Review Board

24 January 2007

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

MEMBERS:

Ms Maureen Shelley (Convenor)
Ms Ann Stark
Ms Kathryn Smith

APPLICANT: 20th Century Fox represented by:

- Mr John Dickie – Fox Consultant
- Mr Paul De Carvalho – Manager, Searchlight Films

BUSINESS: To review the Classification Board's decision to classify the film *Notes on a Scandal* **MA 15+** with the consumer advice '**Strong themes, Strong sexual references**'.

Also present:

- Secretariat support, Office of Film and Literature Classification

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified the film *Notes on a Scandal* **MA 15+** with the consumer advice '**Strong sexual references involving a minor, Strong 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 of the Act provides that films are to be classified in accordance with the *National Classification Code* (the Code) and the classification guidelines.

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
- 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 *Notes on a Scandal* at the Review Board's meeting on 24 January 2007.

The Review Board then received a verbal submission from Mr John Dickie representing the Applicant, which was confirmed in a written submission. Mr Carvalho 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) 20th Century Fox's application for review;
- (ii) 20th Century Fox's written and oral submissions;
- (iii) The film, *Notes on a Scandal*;
- (iv) relevant provisions in the Act;
- (v) relevant provisions in the Code, as amended in accordance with s 6 of the Act; and
- (vi) the *Guidelines for the Classification of Films and Computer Games 2005*.

5 Synopsis

Sheba, employed as a teacher at a London high school, has an inappropriate sexual relationship with Steven, a 15-year-old student. Barbara, a lonely colleague, discovers Sheba's secret and decides to use the information to manipulate her way into Sheba's life.

6 Findings on material questions of fact

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

Themes – "Themes" is defined in the Guidelines as "social issues, such as crime, suicide, drug and alcohol dependency, death, serious illness, family breakdown and racism".

(a) **Themes** – There are strong themes of an inappropriate sexual relationship between a 15-year-old, male, high school student, Steven, and his female teacher, Sheba, and how another female teacher, Barbara, uses this information to ingratiate her way into Sheba's life. These themes are justified by context and are treated in a restrained and non-gratuitous, non-exploitative manner. These themes are cumulative in impact.

Some instances in which these themes are evident include:

At 23-24 minutes Sheba offers to give Steven special individual lessons. She touches his hair and he asks her to repeat this.

At 26 minutes Steven puts his hand on Sheba's neck and tells her she is beautiful.

At 29 minutes Sheba and Steven kiss and have implied sex on the ground at a railway station in the dark. Sheba tells him they must keep their relationship secret.

At 30.30 minutes as they lie together on the ground, Sheba mentions her daughter, Steven asks if she is the same age as him.

Barbara discovers the relationship and demands that Sheba put an end to it, but promises she will not tell anyone. Sheba tries to end the affair but Steven wants to continue.

At 41 minutes Sheba and Steven kiss passionately outside her home.

At 43.15 minutes Sheba and Steven have implied sexual relations.

At 44.10 minutes Sheba and Steven kiss, talk about Sheba's children and have implied sex in Sheba's pottery shed.

Sheba and Steven end the affair when Barbara threatens to reveal the affair. Steven admits he lied about his father abusing him and tells Sheba their affair "was only meant to be a bit of fun" (52.30 minutes).

Barbara's demands and threats to Sheba become more menacing.

At 63.55 minutes Barbara informs another teacher that Sheba is "interested in boys".

At 67 minutes Steven's mother confronts Sheba in her home, slapping Sheba several times while her husband tries to restrain her. Steven's mother calls Sheba a bitch and tells Sheba's husband about her inappropriate relationship with Steven. Sheba's teenage daughter is listening on the stairs.

At 68 minutes Sheba's husband screams at her for having sex with a 15-year-old boy.

At 69.10 minutes Sheba is arrested by the police.

At 74 minutes Sheba's teenage daughter verbally abuses her mother for having a "boyfriend younger than mine". She yells: "You slept with a child".

To avoid the media crowded outside her home Sheba goes to Barbara's home to stay. Sheba finds Barbara's diary, realises the true nature of Barbara's friendship with her, and starts ransacking Barbara's house. Barbara and Sheba physically and verbally fight. (79-83 minutes)

(b) **Violence** – There is very little violence in the film. That which is depicted (67 minutes, 79-83 minutes) is justified by context and moderate in impact.

(c) **Sex** – The film contains implied sexual activity and sexual references involving an adult (teacher) and a minor (student), which are strong in impact.

At 21.15 minutes Barbara is looking for Sheba in the school and sees her in a room implicitly fellating a male whose identity cannot be seen. Barbara then sees and identifies Steven, a 15-year-old student, leaving the room. The implied sexual activity is brief and the lighting is poor.

At 39.10 minutes Sheba receives a text message on her mobile phone from Steven "i wish i woz fucking u blind".

At 43.15 minutes Steven and Sheba have implicit sexual intercourse. In a darkly lit pottery shed at Sheba's home. Steven is depicted lying on top of Sheba, thrusting. Sheba makes sounds suggestive of sex. The scene is brief and viewed from above.

At 45 minutes there is a brief depiction of Steven's naked torso from the hips up, followed by a more distant sight of Steven's apparently naked body, from the hips up.

At 49 minutes Barbara hears Steven's voice on Sheba's phone say "dreaming about your hot sweet cunt all morning".

At 82 minutes when Sheba reads Barbara's diary she throws her against a cabinet and screams, "Do you want to fuck me, Barbara?"

The sexual references described above are strong in impact due to some of the references involving sexual relations with a minor.

(d) **Language** – There is moderate coarse language in the film. There is some aggressive coarse language but this is infrequent and justified by context, and could be accommodated at the M classification.

7 Reasons for the decision

The Review Board based its decision to classify the film *Notes on a Scandal* MA 15+ with the consumer advice, "Strong sexual references involving a

minor, Strong adult themes” on the content of the film as set out in section 5 above. The cumulative strong impact of the adult themes and implied sexual scenes involving a minor, make this film unsuitable for children under 15.

Notes on a Scandal is a serious, intense film dealing with the role of the teacher and her abuse of her position of trust in having a relationship with a 15-year-old student. The community has real concerns about the portrayal of minors in sexual situations, even where the relationship is apparently consensual.

The Review Board acknowledges the film has artistic merit, and believes that the potentially controversial scenes are treated sensitively, depicted in context and not gratuitous. The Review Board found that the impact of these scenes and the accompanying destructive relationship pursued by the predatory Barbara is strong in impact.

8 Summary

Notes on a Scandal deals with the serious theme of the inappropriate sexual relations between a person in authority and a minor. Alongside this theme of betrayal of trust is that of the pursuit of a predatory and manipulative woman pursuing a relationship with her colleague over whom she has power.

The Review Board unanimously finds that the impact of the classifiable elements in the film is strong, but not so high as to warrant a more restrictive rating than the already legally restrictive “MA 15+” classification. The film is considered unsuitable for persons less than 15 years and warrants consumer advice relating to adult themes and sexual references involving a minor.