



Australian Government

Classification Review Board

2 February 2009
23-33 MARY STREET
SURRY HILLS, NSW

- MEMBERS:** The Hon Trevor Griffin (Acting Convenor)
Ms Ann Stark
Ms Irina Kolodizner
Mr Brook Hely
- APPLICANT** Minister for Home Affairs upon request of the South Australian Attorney-General, the Hon Michael Atkinson MP – not represented.
- INTERESTED PARTIES** Universal Pictures Home Entertainment and Universal Pictures International.
- BUSINESS** To review the Classification Board's decision that the consumer advice for the film *Charlie Wilson's War* should be 'Moderate coarse language and drug references. Violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) determined that the consumer advice for the film *Charlie Wilson's War* should be 'Moderate coarse language, drug references and violence; partial nudity'.

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 in paragraph 5 of the Table under the heading 'Films' provides

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 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 computer game; and
- (c) the general character of the computer game, 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 2 February 2009 in response to the receipt of two applications from the Minister for Home Affairs on 5 January 2009 to review the consumer advice for the film. The two applications, which related to the on-screen version of the film and the DVD of the film (including additional content) respectively, were considered together. No oral submissions were made before the Review Board.

Four members of the Review Board viewed the DVD of *Charlie Wilson's War* on 2 February 2009.

The Review Board considered correspondence addressed to the Commonwealth Attorney-General and forwarded to the Minister for Home Affairs from the South Australian Attorney General (which annexed correspondence from a constituent relating to the film) and a written submission from Universal Pictures Home Entertainment, the original applicant for classification.

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' applications for review of the film in 35mm and DVD format;
- (ii) a written submission from Universal Pictures Home Entertainment;
- (iii) correspondence from the South Australian Attorney General addressed to the Commonwealth Attorney-General;
- (iv) the film *Charlie Wilson's War* and additional content on the DVD;
- (v) the relevant provisions in the Act, the Code and the Guidelines; and
- (vi) the Classification Board's report.

5. Synopsis

This film tells the story of how US Congressman Charlie Wilson convinced a US Congressional Committee to covertly fund the Mujahedeen's war against the USSR in Afghanistan during the 1980s.

6. Findings on material questions of fact

While the film's M classification was not the subject of the applications for review, the Review Board concluded that it should consider the various elements which resulted in the classification determined by the Board in order to determine the appropriate consumer advice for the film.

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

(a) Themes – The dominant themes in the film are 'good versus evil', expressed in the context of Cold War politics, and the atrocities of war. The Review Board determined that these generally have a low sense of threat or menace and are justified by context. They can be accommodated in a lower classification than M.

(b) Violence – The principal scenes of violence are battlefield scenes and helicopter gunships strafing villages, villagers and Mujahedeen convoys. Several of these scenes show people on the ground scattering as the gunships fire. Generally, these scenes contain no close-ups showing blood or injuries, though in several scenes villagers are shown fleeing from bullets and burning debris falling from the sky. In several fleeting scenes a body is shown rolling down a sand dune, impliedly after being shot. The film also contains scenes depicting missiles aimed at both Russian tanks and Russian helicopter gunships, with the targets being hit and exploding.

In an early scene CIA operative Gust reacts angrily in a confrontation with his principal at the CIA and smashes an internal office window before storming off.

The Review Board concluded by majority that the violence was of moderate impact and was justified by context, thereby fitting into the M classification. The minority was of the view that the violence in the film could be accommodated within the PG

classification. The minority acknowledged, however, that the violence in the film was at the higher end of violence permitted within the PG category and consequently warranted appropriate consumer advice.

(c) Language – The words ‘fuck’, ‘shit’ and ‘motherfucker’ are scattered throughout the film. The Review Board concluded that it was infrequent and justified by context, fitting within the M classification.

(d) Sex – Under the M classification, sexual activity may be discreetly implied, if justified by context.

There are some infrequent scenes where there are sexually suggestive remarks. For example, at approximately 25 minutes, Charlie is in the bath tub in Joanna’s room while she sits in her bathrobe at the mirror applying makeup when he remarks: ‘you look very good naked’. In the same scene, Charlie remarks: ‘you may be the sexiest woman ever’, and again, as Joanna passes the bath tub she presses the drain button and Charlie remarks: ‘I guess it ain’t going to be twice tonight’.

At approximately three minutes, Charlie sits in a hot tub with several naked strippers (the hot tub scene - discussed below). This scene is indirectly sexual in nature.

In addition, at 14 minutes Charlie Wilson is shown with a scantily clad woman. The woman is attempting to seduce him and he later strokes her on the stomach in a sensual manner while he speaks on the telephone.

The Review Board concluded that the sexual references in the film can be accommodated in the M classification, without need for additional consumer advice.

(e) Drug Use – There are several scenes where drug-taking is implied. For example, at approximately 3 minutes as Charlie sits in a hot tub he hears a remark about Afghanistan on a nearby television set and asks a man nearby to turn it up. He responds: ‘I’m completely high’. During the hot tub scene, one of the strippers is seen in the background snorting what appears to be cocaine.

At 7 minutes, in the back of a limousine, there is a distance shot of a young woman lifting her head after appearing to have consumed cocaine.

At 14 minutes, a female impliedly smokes a marijuana cigarette.

In the course of the film, Charlie Wilson learns he is being investigated for ‘recreational drug use and for using cocaine’.

The Review Board concluded that these references could be accommodated in the M classification.

(f) Nudity – Nudity is the element principally referred to in the letter from the South Australian Attorney-General to the Commonwealth Attorney-General as warranting a review of the film’s consumer advice. It is noted that the Classification Board did not refer to nudity in its report.

The primary incident of nudity in the film is a hot tub scene, which occurs approximately between three and six minutes into the film. At the start of the scene, a woman disrobes and is shown naked side-on stepping into the hot tub to join a group comprising Charlie Wilson, another male and two other young women. Two of the women in the hot tub are later identified as strippers. It is implied that they are all naked, other than one of the women who is wearing a bathing costume.

As they all sit in the hot tub, the bare breasts of the two strippers can be seen just below water level and periodically their bare breasts are shown above the water as they shift position. Towards the end of the scene, the two strippers sit up more and their breasts become more clearly exposed.

After some banter, Charlie gets out of the hot tub – he is shown totally naked from the back as he dresses in a bathrobe.

The Review Board regarded this scene as an important scene-setter for the whole film, particularly in respect of Charlie's character and his modus operandi. The Review Board was of the view that this scene would of itself warrant the film being given an M classification.

The Review Board therefore concluded that some reference should be made to nudity in the consumer advice, in view of the significant contribution of this scene to the overall classification of the film.

7. Reasons for the decision

As the early hot tub scene substantially informs the classification of the film and the level of nudity in the film is moderate in impact, it is appropriate that consumer advice referring to partial nudity should be given in relation. The Review Board was also of the view that consumer advice should be given in relation to the classifiable elements of coarse language, drug references and violence as they contribute significantly to the overall tenor of the film and, thus, its M classification.

8. Summary

The Review Board determined that the consumer advice to accompany the M classification for the film should be 'Moderate coarse language, drug references and violence; partial nudity'.