



Australian Government

Classification Review Board

Date:	23 October 2020
Members:	Sue Knowles (Convenor) Peter Price AM (Deputy Convenor) Margaret Clancy
Applicant:	Australian Christian Lobby
Interested parties:	Janet Matthews, Registered Psychologist
Business:	To review the Classification Board's decision to classify the film <i>Cuties</i> , MA 15+ (Mature Accompanied) with the consumer advice ' Strong themes '.

Decision and reasons for decision

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film MA 15+, with the consumer advice 'strong themes'.

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.

The Review Board

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42 of the Classification Act sets out the persons who may apply for review of a decision:

- a) the Minister
- b) the applicant for classification of the film, or the likely classification of the film under section 33
- c) the publisher of the film, or
- d) a person aggrieved by the decision.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44, the Review Board must deal with an application for review in the same way that the Classification Board deals with an application for classification of a film.

Classification of films under the Classification Act

Section 9, subject to section 9A, provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a film that advocates the doing of a terrorist act must be classified RC.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a film include the:

- a) standards of morality, decency and propriety generally accepted by reasonable adults, and
- b) literary, artistic or educational merit (if any) of the film, and
- c) general character of the film, including whether it is of a medical, legal or scientific character, and
- d) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

The National Classification Code

Relevantly, the Films Table of the National Classification Code (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

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

- a) adults should be able to read, hear, see and play what they want
- b) minors should be protected from material likely to harm or disturb them
- c) everyone should be protected from exposure to unsolicited material that they find offensive
- d) the need to take account of community concerns about:
 - (i) depictions that condone or incite violence, particularly sexual violence and,
 - (ii) the portrayal of persons in a demeaning manner.

The Guidelines

Three essential principles underlie the use of the *Guidelines for the Classification of Films 2012* (the Guidelines), determined under section 12 of the Classification Act, the:

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

3. Procedure

Three members of the Review Board met on 23 October 2020, in response to the receipt of an application from the Australian Christian Lobby on 16 October 2020, to conduct the review of the film, *Cuties*, which had previously been classified **MA 15+ (Mature Accompanied)** with consumer advice of **'Strong themes'** by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written submission from the Applicant.

The Review Board viewed the film.

The Review Board was provided a written comment from Janet Matthews, Registered Psychologist

The Review Board heard an oral submission from the Applicant.

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) Australian Christian Lobby application for review
- (ii) Australian Christian Lobby written and oral submissions
- (iii) a written comment received from Janet Matthews, Registered Psychologist
- (iv) the film, *Cuties*
- (v) Australian Christian Lobby provided various screenshots taken from the movie
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vii) the Classification Board's report.

5. Synopsis

Cuties is a French film about a young pre-teen Senegalese-French girl (Amy) from an immigrant traditional religious background who is on the social fringe looking for acceptance from the secular group her own age and looking to integrate into society. The movie depicts her desires and ultimate realisation of what is important in life - her family.

Amy is heavily influenced by dance scenes she has seen being done by her school peers (*Cuties*) and searches the internet (on a smartphone she has stolen) to find, what she believes, are similar dance moves to practice. She is also influenced by her friend (Angelica) who she sees twerking with the group. Amy is also questioning her role in the family, her boredom with religion and her aunt's strict religious values being imposed on her.

The *Cuties* practice dance moves for a competition while incorporating some sexually suggestive dance moves in the choreography. They are all heavily influenced by the internet and social media for validation and the number of 'likes'.

Amy is shunned at school after posting online a photo of her genitals (not seen in the movie) and removed from the dance group. However, Amy's desire to be part of the competition leads her to pushing one of the girls (Yasmine) into the river so she can replace her in the competition.

The sexually suggestive dance at the competition is met with wide disapproval from the audience. This leads Amy to think of her mother who is about to attend the wedding of her polygamous husband. Amy leaves the competition in tears mid-performance to return home.

Amy's aunt chastises her upon her return for her skimpy outfit and attitudes.

Amy does not attend her father's wedding, removes her skimpy dance clothing, puts on jeans and top, and goes outside to happily skip with other children in the street.

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 treatment of strong themes should be justified by context

The impact of this element is no higher than strong and can be accommodated at the MA15+ classification level.

All other elements can be accommodated at a lower classification category.

7. Reasons for the decision

While there is frequent suggestive and, at times, sexually suggestive dancing by pre-teen and teen dancers it can be justified in context at the MA15+ classification.

The Review Board was of the view that while a number of the images of young girls dancing and behaving in a sexually suggestive manner, there were no images of any girl naked or partially undressed. The movie also demonstrated the influence the internet and social media has on young susceptible teens who are striving to get as many 'likes' on social media as possible while not necessarily having the maturity or understanding of the implications of their behavior.

The strong traditional family values and discipline given to Amy eventually pulls her back to the family and her childhood.

8. Summary

The Review Board unanimously classified Cuties at the **MA 15+** classification with the consumer advice of '**strong themes**'.