



Australian Government

Classification Review Board

Date: 05 December 2025

Applicant: X Corp

Business: To review the Classification Board's decision to classify the film *eSafety INV-2025-05224* (19") as **RC - Refused Classification**.

Decision and reasons for decision

1. Decision

A majority of the Classification Review Board (the Review Board) classified the film *eSafety INV-2025-05224* (19") R18+ Restricted with the consumer advice 'High impact violence, blood and injury detail, distressing scenes'. A minority of the Classification Review Board would have classified the film RC - Refused Classification.

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 for 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 requires 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:

- 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.

The National Classification Code

Relevantly, the Films Table of the National Classification Code (the Code) provides that:

Films that depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified are to be classified RC.

Additionally, films which promote, incite or instruct in matters of crime or violence are to be classified RC.

Films (except RC films, and X18+ films) that are unsuitable for a minor to see **are to be classified R18+**, 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

The film *eSafety INV-2025-05224 (19")* (the film) was classified by the Classification Board on 11 September 2025 as **RC – Refused Classification**.

On 10 October 2025, an application for a review was lodged by X Corp (the Applicant).

Three members of the Review Board met on 28 October 2025 to conduct the classification review of the film.

The Review Board determined that the application was a valid application.

There were no conflicts of interest noted by the members of the Review Board.

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

The Review Board was provided a written submission from the eSafety Commissioner.

The Review Board viewed the film.

The Review Board heard oral submissions 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 considered the following:

- (i) The film
- (ii) The Applicant's application for review
- (iii) The Applicant's written and oral submissions
- (iv) eSafety's written submission
- (v) The relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) The Classification Board's report dated 11 September 2025.

5. Synopsis

The film is a 19 second film depicting the fatal shooting of a man known to be Charlie Kirk, an American right-wing political activist, entrepreneur, and media personality, at a Utah university campus event.

The film is shot from the perspective of an event attendee. There is no diegetic sound. The only audio is Lauren Daigle's song *Rescue*, which plays over the footage.

The opening frame features a black background with two red text banners labelled 'Breaking News' at the top. In the centre, white warning text reads, 'WARNING: NEXT VIDEO IS VERY GRAPHIC. SWIPE IF YOU DO NOT WANT TO SEE IT. ITS (sic) HEAVY' followed by three crying emojis. A red circle marked 'WARNING: EXPLICIT CONTENT' is featured at the bottom of the screen.

At the two second mark, the film cuts to a side-angle view from the audience of Mr Kirk, filmed from the right of a raised stage. Mr Kirk is seated on a chair on stage. Several individuals lean against a nearby fence, and a number appear to be recording the event on their phones. Mr Kirk leans forward and lifts a microphone to his mouth. Without warning, Mr Kirk jolts upright and slumps to his left-hand side. Blood pours from his neck and streams down his white t-shirt, following an apparent shooting by an unseen assailant. The camera quickly pans away across the crowd, who are seen variously reacting in distress.

Throughout the film, a scrolling red banner mimicking a news broadcast appears at the top of the screen with the words 'BREAKING NEWS'. A watermark of a verified user appears at the bottom of the screen, including a user profile picture and the handle, @IAMRICKYDIAZ. The film contains an excerpt of Lauren Daigle's song *Rescue*, with the lyrics, 'I will send out an army to find you, in the middle of the darkest night, it's true, I will rescue you.'

6. Findings on material questions of fact

The Review Board found that the film contains aspects or depictions of classifiable elements outlined in the Guidelines (listed in order of impact):

- (a) Violence—the film contains a detailed depiction of real violence, apparently causing death. The impact of the depiction is high. The depiction can be accommodated in the R18+ - Restricted category.

- (b) Themes—the film contains high impact themes of real violence, public safety, crime and death that can be accommodated in the R18+ - Restricted category.
- (c) Language—the film contains mild language that can be accommodated at PG level.
- (d) Drug Use—not present in the film.
- (e) Sex—not present in the film.
- (f) Nudity—not present in the film.

7. The application and submissions by the Applicant

The Applicant provided written submissions to the Review Board on 28 October 2025 and 3 November 2025.

The Applicant submits that the film should not be Refused Classification. Under the Guidelines, RC is confined to cases involving gratuitous, exploitative, or offensive depictions of violence that have a very high degree of impact or which are excessively frequent, prolonged, or detailed, or of real violence that are very detailed or have a high impact; high impact alone is insufficient.

The Applicant cited *Brown v Members of Classification Review Board of Office of Film & Literature Classification* (1998) 82 FCR 225, in support of the proposition that the depiction of crime or violence does not, of itself, promote, incite, or instruct such conduct for the purposes of item 1(c) of the Code.

In respect to the 19-second film, the Applicant submits that the violence is brief and singular, no weapon is visible, the footage is grainy, the movement of the camera away from the victim to the crowd quickly obscures the victim, and there are no effects or edits that increase impact. Accordingly, it is submitted that the depiction is not excessively detailed, prolonged or repeated, and is not gratuitous, exploitative or offensive.

The Applicant further submits that the film is a neutral, objective record of a notorious public event of historical and political significance that prompted extensive public discourse; that context is relevant to whether the depiction offends reasonable adults to the extent that it should not be classified. By way of comparison, the Applicant refers to other widely known recordings (such as the Saigon execution film and the Zapruder film) to illustrate the contextual significance of the film culturally and politically, and to contrast between them on the basis of differences in the depiction's proximity, duration, and graphic detail.

On that basis, the Applicant contends that the correct outcome, at most, is classification at R18+, which gives effect to the Code principle that adults should be able to read, hear, see, and play what they want.

In addition to the written submission, the Applicant presented a verbal submission to the Classification Review Board on 28 October 2025, in support of the written submission. On 3 November 2025, the Applicant provided a statement from X's Safety Compliance Lead regarding the display of "sensitive" material on X and the protections that exist for X users under 18 years of age. The Applicant also provided further written submissions in which they addressed:

- whether the Review Board should consider the issue of minors viewing R18+ rated material on X,
- whether the Review Board needed to have "strong reasons" to depart from the original classification decision, and

- whether the Applicant had received complaints relating to the film.

8. The submission by the eSafety Commissioner

The eSafety Commissioner provided a written submission to the Review Board on 23 October 2025, supporting the Board's **RC - Refused Classification** decision.

The eSafety Commissioner characterises the footage captured within the film as high quality footage and at close proximity (only a few metres away from the incident), showing the moment of impact and copious blood contrasted against a white shirt. The Commissioner argues this is a gratuitous and offensive depiction of real violence with a very high level of impact.

The Commissioner argues that the threshold for RC is met under the Guidelines because the depictions are gratuitous and offensive and reach a very high degree of impact.

9. Reasons for Decision

9(a) - Violence

Pursuant to the Guidelines, films will be Refused Classification if they include or contain "gratuitous, exploitative or offensive depictions of:

- (i) violence with a very high degree of impact or which are excessively frequent, prolonged or detailed:
- (ii) cruelty or real violence which are very detailed, or which have a high impact."

In relation to (i), Review Board considers that: the depiction of violence has a high, but not very high, degree of impact.

The depiction has a high degree of impact because it is a real depiction of violence resulting in death.

In the Review Board's view, the depiction does not have a very high degree of impact because it lacks detail. The Review Board agrees with the eSafety Commissioner that the depiction contains some detail, including the victim's jolting reaction to the bullet impact, and blood splashing across his white T-shirt. However, the Review Board does not consider the depiction to be excessively detailed, and notes factors significantly limiting or obscuring detail such as, the brevity of the depiction (2 seconds of a 19-second film), the image quality, the distance of the camera in the crowd from the victim, and the lack of diegetic sound. The Review Board also notes that the film appears to be a single, unedited shot and features no accentuation techniques such as close-ups, replays or slow motion.

The Review Board notes that, while the eSafety Commissioner has described the footage as 'proximate' to the victim, the Review Board does not find the camera to be very near, and is sufficiently far enough away from the subject to obscure much of the impactful detail.

The violence occurs in single, apparently unedited, shot that cannot be described as excessively frequent.

The depiction of violence is brief and is not excessively prolonged.

For these reasons, the Review Board is not satisfied that the film contains depictions of violence with a very high degree of impact, or which are excessively frequent, prolonged or detailed.

In relation to (ii), the Review Board notes the following:

The film contains a depiction of real violence. The depiction contains some detail but is not, for the reasons stated above, *very* detailed. The depiction has a high impact because it is a depiction of real violence resulting in death. The Review Board is therefore satisfied that the film contains depictions of real violence which have a high impact.

The Review Board then considered whether the depiction was gratuitous, exploitative or offensive to the extent that it should be Refused Classification.

The Review Board considers that the film depicts an event that was the subject of widespread news reporting and public discourse.

Aside from the abovementioned warning disclaimer that opens the film, the film consists of a single, apparently unedited depiction of the shooting. The film plays with a scrolling banner at the top of the screen with the words "BREAKING NEWS" and a user watermark. Laren Daigle's song '*Rescue*' plays over the top. In the Review Board's view, these other elements do not increase the impact of the depiction of violence.

The film does not use accentuation techniques which increase impact such as the use of close-ups or slow motion. The shooter and weapon are not shown. The depiction of violence is not prolonged or repeated.

Notwithstanding the heinous nature of the event, the depiction itself is not gratuitous, exploitative or offensive to the extent that it should be Refused Classification because of the lack of detail. In the Review Board's view, the level of detail is not so graphic that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults.

The Review Board notes that a more detailed depiction of the same event, including one with editing, sound effects or commentary, may be found to be gratuitous, exploitative or offensive to the extent that it should be Refused Classification.

The Review Board also notes that films classified R18+ Restricted may contain material which is high in impact and which is offensive to sections of the adult community.

The Review Board considers that the film requires a consumer advice warning that it contains 'High impact violence, blood and injury detail, distressing scenes'.

9(b) - Themes

The Review Board finds that the themes of violence, crime and threats to public safety illustrated by a real depiction of violence and death is high in impact and can be accommodated in the R18+ Restricted category. However, the Review Board does not consider a consumer advice warning for 'Adult Themes' necessary given the advice for violence and distressing scenes.

9(c) - Section 9A considerations

The Review Board considered s9A of the Code, which requires a film to be classified RC if it advocates the doing of a terrorist act (within the meaning imported from the Criminal Code). The Review Board unanimously finds that the film does not counsel, promote nor urge the doing of a terrorist act, provide instruction on the doing of such an act, or praise terrorist acts in circumstances where such praise might encourage imitation. The film is a brief record of a real-world incident and is not

propaganda for terrorism. No party contended otherwise. Accordingly, the Review Board finds that the film does not breach s9A.

9(d) - Section 11 considerations

Section 11 of the Classification Act requires that the Review Board consider the matters identified in that section together in the context of the film as a whole, and this may require weighing one consideration against another.

a) standards of morality, decency, and propriety generally accepted by reasonable adults, and

The Review Board accepts that reasonable adults will regard the violence depicted as abhorrent, and many will find the footage distressing. However, the level of detail in the depiction is not so graphic that it offends against community standards to the extent that it should not be classified. In the Review Board's view, reasonable adults ought to be able to watch the film if they wish, with appropriate warning.

The Review Board also notes that the Applicant has not received any reports from Australian users flagging the content as containing class 1 material under the Social Media Industry Code, although the Applicant has received complaints from some non-Australian users.

b) literary, artistic or educational merit (if any) of the film, and

The film is a record of what has become a well-known public event that attracted significant public discussion. As such, it has informational and public-interest value in contemporaneous reporting and civic debate about gun violence. That context weighs against a conclusion that the depiction is gratuitous, exploitative or offensive.

c) general character of the film, including whether it is of a medical, legal or scientific character, and

The film's general character is a documentary record. It is not medical, legal or scientific in nature. It is not edited or stylised to sensationalise the violence (as noted above, it contains no slow-motion, replays, or close-ups). In the Review Board's view, this character mitigates impact and supports an R18+ Restricted classification.

d) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

The film was published on the X platform. The likely audience of the film includes users of X who encounter the film on their X feed and others who access this particular film without an account.

The film has been published elsewhere on the internet and is likely available to anyone who has access to the internet, including minors. In the Review Board's view, to refuse classification out of concern that minors may see a film classified R18+ would make the R18+ classification meaningless. Allowing this consideration to influence a classification decision is contrary to the section of the Code specifying that adults should be able to read, hear, see and play what they want.

In the Review Board's view, a consideration of these matters together, supports an R18+ (Restricted) classification with appropriate consumer advice.

9(e) – Section 3, Item 1(c) Consideration

Section 3, Item 1(c) asks the Review Board to consider whether the film promotes, incites or instructs in matters of crime or violence.

In the Review Board's view, merely depicting violence is not to promote, incite or instruct in matters of crime and violence. The film contains no elements which encourage a similar attack or teach a viewer how to go about it.

10. Minority View

A minority of the Review Board is of the opinion that the film contains a gratuitous, exploitative, and offensive depiction of real violence and bloody injury detail that has a high degree of impact, is contrary to the standards of morality, decency and propriety generally accepted by reasonable adults, is likely to cause outrage or extreme disgust, and is not required for the purposes of facilitating public or political commentary.

The filmmaker has edited raw footage of an actual fatal shooting death into a shareable video for the likely purposes of entertainment and/or personal gain (such as likes, shares, or views) for distribution to users of a social media platform, despite the fact that children and other vulnerable members of the community comprise a large percentage of the audience. To heighten the impact of an already impactful event, the filmmaker begins the film with an attention-grabbing text that has the effect of arousing curiosity and encouraging the viewer to keep watching rather than authentically advising the viewer against what they are about to see or the graphic nature of the content that follows. The use of a melancholy song over the footage allows the filmmaker to express their opinion on the incident by increasing the emotive tone by creating a dissonance between the softness of the music and the severity of the violence. The overall effect increases the impact of violence rather than mitigate or diminish any impact.

A minority of the Review Board rejects the Applicant's argument that this film holds the same historical significance as the Zapruder and Saigon Execution films. The Zapruder film is the only known film to have captured the assassination of President John F Kennedy in full. It was not released to the public until 15 years after the incident, once emotions around the matter had subsided, which supports the argument that the public does not need to watch video of a murder to form an understanding of what happened, for the matter to cause a public response of outrage or disgust, or for the matter to prompt public or political commentary.

The Zapruder film is grainy and shot from a significant distance from the subject, meaning that very little detail is visible. The Zapruder film does not contain audio, which means that, unlike *eSafety INV-2025-05224*, the gunshots, bullet trajectory, bullet impacts, crowd reaction, and other emotive audio such as the acceleration of the motorcade, cannot be heard.

In addition to being the only film of its kind in existence, the Zapruder film serves as an important public record for myriad other reasons including that it became an important piece of evidence in the Warren Commission hearings and other subsequent investigations into the assassination, and because it disrupted the 'lone assassin' theory and changed the public's view around the circumstances of the incident and how police and government had handled the incident.

The Zapruder film holds such importance as a historical document that it was selected for preservation by the United States National Film Registry for its cultural, historic, and aesthetic significance. To date, *eSafety INV-2025-05224* has not received such high honours or recognition.

The Saigon Execution film depicts a South Vietnamese police chief shooting a Viet Cong captain. A minority of the Review Board considers that few people have viewed the film version of this event and are not aware of its existence. A photograph of the execution, captured by Associated Press journalist,

Eddie Adams, is widely known and widely regarded as an important historical document that changed public perception of the Vietnam War. The image earned Eddie Adams the 1968 World Press Photo of the Year and the 1969 Pulitzer Prize for Spot News Photography. The image captured by Eddie Adams does not depict any blood or injury detail, but the positioning of the gun in the frame, the expression on the victim's face the wincing expression of a nearby soldier, the apparently filthy clothing worn by the victim, and the fact that the victim appears to be handcuffed, are all factors that combine to purvey the horror and brutality of the death. The video version depicts the entire incident and contains blood and injury detail; however, while sickening, watching the video version does not significantly increase the level of impact caused by viewing the image. It is not necessary to view the video to understand what has happened.

In comparison, *eSafety INV-2025-05224* does not hold any similar significance to either the Zapruder film or the Saigon Execution film. The *eSafety INV-2025-05224* film is an edited version of a significant event and not raw footage. It is one of dozens of videos that captures the shooting, and does not offer any new or unique understanding, value, or perspective of the event. The film was released shortly after the Charlie Kirk shooting, so cannot be argued to hold historical significance. A minority of the Review Board considers that if this depiction of the Charlie Kirk shooting did not exist, it would not affect the understanding of the matter in any way and would not change the public's response of outrage and disgust that emerged following the incident.

Given the exploitative nature of the *eSafety INV-2025-05224*, the intended audience, the high-impact content, and the lack of any cultural or historical significance of the film, a minority of the Board is of the opinion that the film should be Refused Classification in accordance with Item 1(a) of the Code.

11. Summary

Having applied s9 of the Act (the Code and Guidelines) and considered the matters in s11 together, the Review Board finds that the film's depiction of real violence is high in impact. However, the depiction is brief, distanced, apparently unedited, and contains no accentuation techniques to increase impact such as the use of close-ups or slow motion.

In the Review Board's view, taking into account community standards, the depiction is not gratuitous, exploitative or offensive to the extent that it should be Refused Classification, and should be classified R18+ with a consumer advice of 'High impact violence, blood and injury detail, distressing scenes'.

The film does not promote, incite, or instruct crime or violence (Code item 1(c)), and does not breach s9A (terrorist advocacy).