



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-2025-05226* (5") 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-2025-05226* (5") 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-2025-05226* (5") (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 5-second film depicts the fatal shooting of a man known to be Mr Charlie Kirk, an American right-wing political activist, entrepreneur, and media personality, at a Utah university campus event.

The event is filmed from the audience at a relatively close range as Mr Kirk sits on a stage facing the crowd. Diegetic audio is heard. Mr Kirk leans forward and lifts a microphone to his mouth. A gunshot is heard. Mr Kirk jolts upright and slumps to his left-hand side. Blood flows from his neck. No weapon or assailant is visible. There are shouts of astonishment in the crowd. The film ends almost immediately after the moment of the bullet's impact.

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 03 November 2025.

The Applicant submits that the film should not be refused classification. Under the Guidelines, RC is confined to 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 and is presented in a gratuitous, exploitative, offensive manner; 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 of the 5-second clip, the violence is momentary and singular, no weapon is seen, and the camera does not linger. While proximity and diegetic audio increase the impact, there are no visual stylistic amplifiers such as slow-motion, zooms, or replays. The Applicant notes that the crowd movement obscures Mr Kirk as soon as he is shot and characterises the film as a neutral, objective record of a notorious public event.

On that basis, the Applicant contends that the correct classification is 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 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. X Corp 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 supports the Board's decision to classify the film RC - Restricted.

The eSafety Commissioner contends that the clip gratuitously depicts the event of a graphic public murder.

The Commissioner makes the following observations about the nature of the film:

- That the film depicts a real-life murder,
- That it is from a front-on angle,
- That the footage is proximate to the victim and the viewer is able to see the impact of the bullet, the wound and his bleeding, and
- The film captures audio from the site of the filmed event including a gunshot and people heard yelling "Charlie" and the crowd's general distress.

The Commissioner submits that this clip with audible gunshot and distress constitutes a graphic depiction of real violence at a very high degree of impact, that the scene is offensive to reasonable adults, and that, notwithstanding its brevity, the combination of proximity and audio renders it excessively impactful, warranting a refusal of classification.

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 gush of blood from the victim’s neck, the sound of the gunshot, and the reactions of the crowd. However, the Board does not consider this to be excessively detailed. The camera placement, image quality, and brevity of the film (5 seconds) obscures most of the detail. 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 to obscure much impactful detail.

In the Review Board’s view, the depiction of violence is not ‘excessively frequent or prolonged’. The attack is depicted in a single, unedited shot and therefore cannot be described as excessively frequent. The film is a 5-second clip; the remaining footage shows brief aftermath (bystander movement, the victim’s collapse) without lingering or focusing on injury detail. On that basis, the depiction is brief and 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 turned to considering whether the depiction was gratuitous, exploitative or offensive to the extent that it should be Refused Classification.

In the Review Board’s view, the film depicts an event that was the subject of news reporting and much public discourse.

The film does not use accentuation techniques that 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 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 notes that films classified R18+ Restricted may contain material which is high in impact and which is offensive to sections of the adult community.

In the Review Board's view, 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 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. The Review Board considers that 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 s1(a) of the Code 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 and offensive depiction of real violence and bloody injury detail that has a very high degree of impact. The film depicts a real-life fatal shooting in a way that is contrary to the standards of morality, decency and propriety generally accepted by reasonable adults, in a manner that is likely to cause outrage or extreme disgust, and in a manner not required for the purposes of facilitating public or political commentary.

The incident is captured so close to the subject that the bullet's trajectory and impact are clearly audible. The film's tight focus on the subject shows the victim's body jerking violently from the impact of the bullet, a rapid and significant blood loss exiting from the victim's neck, the victim's face and arms paling from exsanguination, and the victim's body slumping to the left.

The short duration of the depicted incident, which lasts approximately 2 seconds, heightens the shock, brutality, and distress of the film. Likewise, the dark claret colour of the gushing blood is both alarming and gruesome. It is reasonable to assume that most members of the community would not have seen a shooting before viewing this film and may not properly understand the impact of such trauma on the human body. The minority of the Review Board considers that the psychological effect of witnessing such a brutal and sudden event, especially given that the camera is in such close proximity to the victim, would be highly impactful on most members of the community.

In the minority of the Review Board's opinion, this kind of matter is consistent with the definition of films that will be Refused Classification in the guidelines, being films that contain "gratuitous, exploitative or offensive depictions of (i) violence with a very high degree of impact which are

excessively frequent, prolonged, or detailed; or (ii) cruelty or real violence which are very detailed or which have a high impact. The film is also contrary to the principles of the Code that state (a) minors should be protected from material likely to harm or disturb them; (b) everyone should be protected from exposure to unsolicited material that they find offensive; and (c) (ii) the portrayal of persons in a demeaning manner.

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-2025-05226*, 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-2025-05226*, has not received such high honors 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-2025-05226* does not hold any similar significance to either the Zapruder film or the Saigon Execution film. The *eSafety INV-2025-05226* film was released shortly after the Charlie Kirk shooting, so cannot be argued to hold historical significance, and it does not offer any further understanding of the event. 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 have affected the public outrage and disgust that emerged in response to the incident.

Given the gratuitous and offensive nature of the *eSafety INV-2025-05226*, the high impact injury detail, the lack of any cultural or historical significance of the film, and the intended audience (users of the internet), 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 very brief, distanced, apparently unedited, and contains no accentuation techniques to increase impact such as the use of close-ups or slow motion.

The Review Board considers, taking into account community standards, that 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).