



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-2025-05242 (28")* 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-2025-05242 (28")* R18+ Restricted with the consumer advice 'High impact violence, 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-2025-05242* (28") (the film) was classified by the Classification Board on 16 September 2025 as **RC – Refused Classification**.

On 13 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 16 September 2025.

5. Synopsis

The film is an approximately 28-second recording taken aboard a passenger train in which a male passenger attacks a female passenger.

A fixed overhead CCTV camera captures a young woman with a man sitting immediately behind her. The man attacks the woman in a brutal and seemingly unprovoked assault with a weapon. The weapon is understood to be a knife that has been digitally blurred so that all that can be seen is a downward motion consistent with a stabbing motion. The victim recoils into her seat then collapses onto her left side before falling into the footwell. A pool of blood is visible on her vacated seat and adjacent surfaces and increases as the clip continues. Bystanders begin to react and move as the assailant departs the immediate frame. There are no edits, no slow-motion, no zooms, and no replay. There is some audio, but it is mostly unclear.

The female passenger is known to be a person named Iryna Zarutka.

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, 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.

The Applicant submits that the release of footage depicting the attack on Iryna Zarutka prompted widespread political discussion and public debate on a range of issues including violence against women, mental health, and policies of crime. This ultimately led to the North Carolina General Assembly passing 'Iryna's Law' (NC H307) on 3 October 2025, effecting various reforms to the state's criminal justice system.

The Applicant contends that the most appropriate classification is R18+ (at the highest) which gives effect to the Code's principle that adults should be able to read, hear, see, and play what they want.

On 28 October 2025, the Applicant presented oral submissions to the Classification Review Board in support of its written submission. On 3 November 2025, X Corp 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 supports the Classification 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 detailed,
- That it is in close proximity to the violence,
- That (despite the blur), the viewer can clearly see the event at close range and is not prevented from understanding what has occurred,
- The film depicts blood coming from the body of the deceased and onto her seat, and
- The blur is removed from the footage following the attack and the deceased is seen to lose consciousness surrounded by blood.

The Commissioner submits that the film depicts a level of detail of the event which is not required for the purposes of facilitating public commentary. In particular, the Commissioner submits that the film is gratuitous because it depicts the entirety of the murder, rather than stopping prior to the attack or more completely blurring or editing the stabbing.

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), the 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 striking motion made by the attacker, the victim’s blood on the seat, the blood spatter on the floor, and the victim’s shocked expression as she collapses after the attack. However, the Review Board does not consider the depiction to be excessively detailed, noting factors that significantly limit or obscure detail, such as the brevity of the depiction, the blurring of the attack so that the weapon and stabbing impacts are obscured, and the distance of the camera from the victim – the vantage appears to be a fixed CCTV camera from a moderate distance. The Review Board also notes that the film appears to be a single, unedited shot that features no accentuation techniques such as close-ups, replays, or slow motion.

In the Review Board’s view, the depiction of violence is not ‘excessively frequent or prolonged’ for the purposes of subparagraph (i). The attack is depicted in a single, unedited shot and therefore cannot be described as excessively frequent. The assault phase is a small part of the 28-second clip; the remaining footage shows brief aftermath (bystander movement, the victim’s collapse) without lingering or focusing on injury.

In relation to subparagraph (ii), the Review Board notes that the film contains a depiction of real violence. The depiction contains some detail but is not, for the reasons stated above, excessively or 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 a depiction of real violence which has 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’s noted that the film depicts an event that was the subject of widespread news reporting and public discourse.

As noted above, the attack itself is obscured by blurring, and the film does not use accentuation techniques that increase impact such as the use of close-ups or slow motion. The depiction of violence is not prolonged or repeated, and the film does not contain any commentary or opinion on the depicted event.

The Review Board acknowledges eSafety's concerns about the graphic depiction of a public murder and agrees that this kind of material is unsuitable for minors. However, the Review Board considers that the film is a factual record of a significant event that is not presented in a gratuitous, exploitative or offensive manner to the extent that it should be classified RC. In part, this is due to fact that the images appear to have been captured by CCTV, a system that is widely understood to be a means of detecting public incidents and disturbances for the purpose of—among other things—identifying victims and offenders. The camera is a chance observer of the event, and not an active participant in the way that might be attributed to a film camera deliberately positioned to record a planned scene, for example.

In the Review Board's view, the level of violence and injury detail is not so graphic that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults.

The Review Board considered that the depiction was not gratuitous, exploitative or offensive to the extent that it should be Refused Classification. The Review Board notes that a more detailed depiction of the same event, including one with no blurring and/or with editing, sound effects or commentary, could 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, 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 mental health and 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 its 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 s 1(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, and consistent with the authority of *Brown v Members of Classification Review Board of Office of Film & Literature Classification* (1998) 82 FCR 225, 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. The blurring of the footage of the attack supports this conclusion.

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 and bloody violence that has a very high degree of impact. The minority considers that this film depicts a real-life fatal stabbing in a way that is contrary to the standards of morality, decency and propriety generally accepted by reasonable adults, and in a manner that is likely to cause outrage or extreme disgust. The attack is sudden, brutal and shocking, and occurs without warning in a familiar public space, that is, public transport. Prior to the attack, the victim can be sitting quietly and keeping to herself. She does nothing to provoke or invite any attention. When the attack

begins, she is caught entirely by surprise, appearing small, innocent, and vulnerable compared to her attacker. She does not seem to comprehend what is happening and never gets the chance to defend herself or call for help. The viewer shares her confusion and disbelief, which evolves into a sense of helplessness and horror once it becomes apparent that the attack is fatal. The film is challenging viewing for myriad reasons, not least the realisation that the viewer has (likely unwittingly) witnessed the murder of someone who appears innocent, unarmed, and alone. The film ends with the victim slumping into the footwell of the transport, and it is these images that linger as an undignified and frightening way for a life to end.

Hence, a minority of the Review Board believes that the high degree of impact is caused by both the brutality of the attack—albeit not excessively frequent, prolonged nor detailed—combined with the effect the incident has on the viewer as comprehension slowly dawns. In colloquial terms, it is something that cannot be unseen.

A minority of the Review Board acknowledges that real-world legislative change has been implemented as a result of the incident; however, is of the opinion that it is not necessary for members of the public to view this film to understand the incident or to facilitate further public or political commentary.

The incident is captured on fixed CCTV situated close to the subject. The weapon has been blurred in the film, but this does not disguise the aggressive stabbing actions, the brutality of the attack, the location of the impacts on the victim, and the victim's reaction of shock, fear, and distress. After the attack, the perpetrator hovers near the victim in a threatening manner that further exploits the victim and suggests that the attack may continue. The minority of the Review Board also recognises that releasing CCTV footage of members of the public without their consent may be considered an exploitative act.

In the minority of the Review Board's opinion, this kind of matter accords with the section of the Guidelines that states, films will be Refused Classification if they 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 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".

Given the highly impactful nature of the incident, and the intended audience (users of the internet), a minority of the Review 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, obscured by blurring, 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 it should be classified R18+ with a consumer advice of 'High impact violence, distressing scenes'.

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