



# Australian Government

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## Classification Review Board

<b>Date:</b>	25 May 2026
<b>Members:</b>	Alice Yan (Convenor) Damien Power Matthew Salgo
<b>Applicant:</b>	X Corp
<b>Business:</b>	To review the Classification Board's decision to classify the film <i>eSafety INV-2026-01286</i> , <b>RC (Refused Classification)</b> .

## Decision and reasons for decision

### 1. Decision

A majority of the Classification Review Board (the Review Board) classified the film *eSafety INV-2026-01286* (the film) Refused Classification. A minority of the Review Board would have classified the film R 18+.

### 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 Board deals with an application for classification of a film.

## Classification of Films under the Classification Act

Section 9 provides that, subject to section 9A, films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A(1) provides 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 Code provides that:

Films that:

- (a) 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; or
  - (b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
  - (c) promote, incite or instruct in matters of crime or violence;
- are to be classified RC.

Films (except RC films and X 18+ films) that are unsuitable for a minor to see are to be classified R 18+.

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

- (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) which are determined under section 12 of the Classification 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 film *eSafety INV-2026-01286* (the film) was classified by the Classification Board on 19 February 2026 as RC – Refused Classification.

On 7 April 2026, an application for a review was lodged by X Corp (the Applicant).

Three members of the Review Board convened on 24 April 2026 to review the classification of the film.

The Review Board noted that the classification took effect on 19 February 2026, and the application for review of the decision was made on 7 April 2026, outside of the timeframe stipulated under section 43(3)(a) of 30 days after the classification took effect.

The Review Board considered whether to allow a longer period for the making of the application under section 43(3)(b) in the circumstances, including:

- (a) the application was made 15 days after expiry of the 30-day period under section 43(3)(a), which constituted a relatively short period of time;
- (b) the Applicant had not been able to access the film for some of the 30-day period after classification took effect; and
- (c) classification of the film raises complex issues and the Applicant had obtained legal representation in respect of the application.

The Review Board decided to allow an extension of time for the application to be made under section 43(3)(b).

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

On 14 April 2026 the Applicant was advised that written submissions could be provided by 23 April 2026.

On 21 April 2026 the Applicant was advised that any submissions should be made in writing, with no oral hearing.

On 23 April 2026, the applicant provided a submission to the Review Board.

On 23 April 2026 the eSafety Commissioner provided written submissions to the Review Board.

The Review Board viewed the film.

The Review Board then considered the matter.

In its submissions dated 23 April 2026, the Applicant requested an opportunity to make oral submissions to the Review Board if the Review Board was minded to classify the film higher than R 18+. The applicant claimed that the failure to accept oral submissions would deny the applicant procedural fairness, as an oral hearing is necessary for the applicant ‘to have a fair opportunity to address whatever matters the Classification Review Board might propose to take into account in reaching any adverse decision’.

The Review Board considered whether it is necessary or appropriate for oral submissions to be invited, noting that there is no express statutory requirement for an oral hearing. In circumstances where the Review Board was provided with detailed written submissions

from the Applicant and a submission from the eSafety Commissioner, and the Applicant had been told prior to the provision of its submissions that any matters it wished to raise with the Review Board should be put in writing, the Review Board decided that the issues were well understood and oral submissions would not be of further assistance for the Review Board to classify the film. The Review Board further considered that the Applicant has had a sufficient opportunity to be heard in relation to the application and is on notice of the issues relevant to the decision.

#### 4. Evidence and other material taken into account

In reaching its decision, the Review Board had regard to the following:

- (i) X Corp's application for review
- (ii) X Corp's written submissions
- (iii) a written submission received from the eSafety Commissioner
- (iv) the film, *eSafety INV-2026-01286*
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.<sup>1</sup>

#### 5. Synopsis

The film eSafety INV-2026-0286 is a 1 minute and 13 second film that appears to depict the immediate aftermath of the Bondi mass shooting event on 14 December 2025.

The film is shot from a first-person point of view. It is not possible to identify the filmmaker who remains almost entirely offscreen. It is unclear whether the footage was shot on a mobile phone or bodycam. The film is low resolution, grainy and blurry in places. The audio quality is varied.

The film begins with the camera panning across, then around, several bodies at a sheltered picnic table. The concrete floor under the picnic table is covered in a large volume of blood, and appears to be fresh from its sheen. The Review Board notes that the eSafety submission states that 'there is a large volume of blood and brain matter on the floor underneath the seat'. There is some matter in the pool of blood, however the nature of this matter was unclear - whether brain, bodily, or other matter. The camera pans across an apparently deceased man lying on a bench seat with bloody injuries to his head. A second man lies across the bench, but is seen moving. A woman sits slumped backwards across the table, immobile, blood on her tracksuit pants. A man attempts to provide medical assistance, obscuring entirely the woman's face and much of her body. The Review Board notes that the eSafety submission states that this woman is a child. The Review Board was not able to conclusively determine the person's age from the footage, and for the purposes of the Code and Guidelines, could not determine that this was a person who is or appears to be a child under 18 years. The three individuals appeared to have suffered gunshot wounds.

The camera crosses the park, past an immobile, presumably deceased, person covered by a patterned picnic mat. The camera moves to a man receiving CPR from a woman. The camera

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<sup>1</sup> While the Review Board read the Classification Board's report, the Review Board was conscious that, as the applicant submitted, the Review Board must proceed to undertake a de novo review without any presumption as to the correctness of the Board's decision.

continues to move around the park, past a man lying immobile in the grass with dark coloured clothing covering his head, apparently deceased. The camera moves to a group huddled together including a woman and two children. The camera is temporarily obscured by the clothing of the woman.

The camera then moves back across the park, moving into and lingering on a close up of the male victim receiving CPR, suggesting the filmmaker is squatting or kneeling next to or over the victim. There is a clear shot of the victim's face, with sufficient detail for the victim to be identified. A second victim is also seen receiving CPR. Both victims are shown to be unresponsive.

The footage was recorded, often within metres of victims and impacted community members in the aftermath of the shooting, without their apparent awareness or consent.

Throughout the film, we can hear sirens, yelling, crying, calling out to others by name, and other sounds of distress.

Throughout the film, a watermark logo with the text 'Outlaw Media' and the silhouette of a figure leaning against the words appears in the bottom left corner of the screen.

## **6. Findings on material questions of fact**

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

(a) Themes – the film contains high impact themes of real violence, crime, death, and blood and gore.

(b) Violence – the film contains the unedited and graphic depiction of the immediate aftermath of real-life violence, apparently causing death and critical injuries. The impact of the depiction is very high.

(c) Sex – not present in the film.

(d) Language – not present in the film.

(e) Drug Use – 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 23 April 2026.

The Applicant submitted that the film should not be classified RC and should be classified no higher than R 18+.

The Applicant further submitted that the film in no way condoned the Bondi terror attack and as such did not promote, incite or instruct in matters of crime or violence. The Applicant submitted that the film was an objective depiction of the aftermath of the attack at Bondi, shot by an apparent survivor of the attack who it could be inferred was attending the Chanukah by the Sea event at which the Bondi attack occurred.

The Applicant referred to a wide variety of pre-existing media, and cited the classification, reception, availability or other treatment of such media in support of its argument that the current film should not be classified RC.

The Applicant cited the Review Board's decisions in respect of *eSafety INV-2025-05224*, *eSafety INV-2025-05226* and *eSafety INV-2025-05242* (the 2025 Decisions), which depict the killings of Charlie Kirk and Iryna Zarutka in 2025, which were classified as R 18+ by the Review Board in December 2025. The Applicant submits that the same reasoning should be applied in this case. The Applicant submitted that to refuse classification would invite a perception that there is inconsistency.

The Applicant submitted that films including graphic depictions of events from the Holocaust, the Vietnam War and the attacks by Hamas on October 7, 2023 had not been refused classification or censored in Australia and that the current film was no more contrary to community standards than those examples, which the Applicant submitted no reasonable person would consider should not be available to adults.

The Applicant further cited photographs of the aftermath of a napalm bombing in the Vietnam War and a photo and video of Thích Quảng Đức's self-immolation in Vietnam in 1963 as media which have affected public opinion, prompted political action, are viewed as historically significant and were not refused classification in Australia.

The Applicant further cited a range of media which it argued had taken on historical or political significance because of their impact, including, but not limited to, depictions of whipped slaves, lynchings, mutilated children, mass murders and graves, assassinations and attempted assassinations, and torture, including in particular the assassination of President John F Kennedy, the shooting of an unarmed Afghan man by Special Air Service operator, the self-immolation of a refugee at the Nauru Regional Processing Centre, the killing of George Floyd, and the shooting of Kumanjayi Walker. The Applicant submitted that the film is not more graphic or impactful in its depictions of crime or violence than those media and that such media were likely to spark reform through legislation, policy or public inquiries. The Applicant submitted that it is usually the high impact of an image or film which prompts political communication and may lead to change.

The Applicant emphasised the distinction between the act and the *depiction* of that act for the purposes of considering whether the *depiction* should be refused classification. The Applicant submitted that the film does not depict crime, cruelty or violence in such a way that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified on the basis that it did not depict acts of violence themselves nor injury detail, the filmmaker appears to disapprove of the preceding acts of violence, and the film's depiction is an objective and unaltered view from a witness to those acts that is not itself gratuitous, exploitative or offensive.

The Applicant submitted that the film's historical and political significance supported this conclusion: the Bondi mass shooting being an event of historical and political significance which has prompted public discourse and political action, and the film provided evidence against anyone seeking to deny or belittle the Bondi mass shooting. The Applicant referred to the Australian Law Reform Commission's report *Classification – Content Regulation and Convergent Media* in support of its submission that the refused classification category should not be applied overly broadly, as it could restrict access to material that has 'historic value', 'newsworthiness' or 'political significance'. The Applicant also referred to a study prepared for the ALRC on community attitudes to a series of films including fictional violence and actual violence.

The Applicant submitted that '[c]lassification decisions must also take into account the important value of ... the constitutional freedom of political communication' and argued

that, by analogy to the protest laws recently invalidated by the New South Wales Court of Appeal, classifying the film RC would restrict public discourse. The Applicant submitted that classification decisions must take into account the important value of freedom of expression and the constitutional freedom of political communication, stating that the actual or potential historic of political significance of the film is relevant to whether the depiction (as opposed to the act) is gratuitous, exploitative or offensive and whether the depiction offends against the standards of morality, decency and propriety generally accepted by reasonable adults 'to such an extent that it should not be classified'.

## **8. Submissions by the eSafety Commissioner**

The eSafety Commissioner provided written submissions to the Review Board on 23 April 2026.

The eSafety Commissioner submitted that the film should be classified RC on the basis that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults such that it exceeded the R 18+ and X 18 + classifications. The eSafety Commissioner made the following arguments in support of this submission:

- (a) another film containing similar footage of the same attack (including the same depictions of people who have been murdered and/or receiving medical help), 12 s longer than the film, was classified RC by the Classification Board on 23 December 2025 (reference no. T25/14977) and the same considerations which led to that classification should apply to this film;
- (b) the film contains close-up, graphic detail of dead and injured victims of gratuitous, real-world violence, the impact of which is heightened by the focus on victims' injuries, which goes beyond what is necessary to facilitate public or political commentary;
- (c) as a real-life depiction of violence with a high impact, the film can be considered gratuitous or offensive despite its treatment of its subject matter;
- (d) the informational and public interest value in footage of the attack is outweighed by the excessive detail of the violence and use of effects which emphasise the violence, including to depict human body matter, victims, their injuries and audio from witnesses of the attack;
- (e) as an attack in Australia, it is more likely to offend against standards of morality, decency and propriety generally accepted by reasonable adults in Australia.

## **9. Reasons for the decision**

The Review Board considered whether the film met the criteria in the Code for classification as RC, as set out above.

The Review Board considered that the film depicted, expressed or otherwise dealt with matters of crime, cruelty and violence. The Review Board considered that such depictions offended against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that the film should not be classified. The reasons for this determination are set out below.

The film comprises entirely of uncut, real-world, and graphic footage of the immediate aftermath of a recent mass shooting in Australia. As the Applicant submits, the acts of violence themselves are not depicted in the film. It is an unfiltered and unedited depiction of the victims, many of whom appear to be deceased, in the process of dying, or suffering from critical injuries from the shooting. The film depicts multiple victims at close range. The

camera initially pans across then around three bodies with visible gunshot wounds, covered and surrounded by fresh blood. Their slumped and angled positioning suggests they are either dead or critically injured. Whilst the Review Board accepted that the film is grainy and blurry in places, the Review Board did not accept the Applicant's submission that no injury detail was evident. The film also comprises close-up footage of victims who are unresponsive and receiving CPR. The camera lingers in prolonged close-ups of such victims, including, in some instances, views of their faces, rendering them identifiable.

The film presents graphic and confronting imagery of real-life human trauma, suffering and death. It depicts identifiable victims of a mass shooting at moments of extreme vulnerability and without their apparent awareness or consent.

The Applicant submitted the 'depiction is not itself gratuitous, exploitative or offensive' noting that the film depicts events in 'an objective and unaltered way' emphasising the absence of 'special effects, editing or alterations which increase the impact.' In the Review Board's opinion the absence of special effects, editing or alteration contributes to its very high impact, producing a raw and intrusive portrayal of victims in extremis. The impact is heightened by the immediacy of the scenes after the shooting. The events depicted are recent and occurred within Australia. This proximity further intensifies the impact of the film.

Such impactful and intrusive footage is likely to cause outrage or extreme disgust in reasonable adults, and is therefore offensive. The film is a gratuitous and exploitative depiction of human suffering in the immediate aftermath of heinous real-world violence.

The Review Board considered the character of the film. The film provides a raw eyewitness perspective of the aftermath of the Bondi mass shooting event in December 2025. While the watermark 'Outlaw Media' may imply that the film is intended to be received as news media, treatment commonly associated with news or documentary works – such as narration, introduction, description or other curation of the content – were absent. The Review Board considered that it was reasonable to infer that the maker of the film was a person who was at or in close proximity to the shooting and who then attempted to provide comfort to members of the community who had survived the attack.

The Review Board considered the person(s) among whom the film was likely or intended to be published. The Review Board considered that, based on the character of the film, it was intended to be published to consumers of content from 'Outlaw Media', an Australian news media entity, likely over social media platforms (including, but not limited to, X). The Review Board accepted the Applicant's submission that X has in place measures which restrict access to minors for certain content and notify adults of the nature of the content before viewing it. The Review Board considered that the likely audience of the film would be adult social media users.

The Review Board did not consider that the film described or depicted in a way that was likely to cause offence to a reasonable adult, a person who is, or appears to be, under 18.

The Review Board did not consider that section 9A of the Classification Act applied to the film. The film depicts the aftermath of a mass shooting event. The nature of its portrayal events, dialogue and focus on the human consequences of that mass shooting do not in any way counsel, promote, encourage, urge the doing of nor provide instruction on the doing of a terrorist act, nor did the film directly praise the doing of a terrorist act and as such section 9A was not considered to be applicable.

The Review Board did not consider that the film promoted, incited, or otherwise instructed in matters of crime or violence. As noted in the Applicant's submissions, the mere depiction of crime or violence does not constitute promotion, incitement or instruction in such matters. The film focused on the devastating consequences of a criminal attack and elements such as dialogue offering to assist first aiders at the scene and consoling survivors of the attack, as depicted in the film, suggest that the film does not endorse or support the preceding attack.

The Guidelines assist in applying the criteria in the Code by providing that a film will be refused classification if it includes any of the following:

- (a) Detailed instruction or promotion in matters of crime or violence;
- (b) Depictions or descriptions of child sexual abuse or any other exploitative or offensive depictions involving a person who is, or appears to be, a child under 18 years; or
- (c) 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;
  - (iii) sexual violence.

The Review Board did not consider above criteria (a) or (b) to be applicable to the film.

The Review Board considered that the film included a depiction of cruelty or real violence which had a very high impact, through its detailed portrayal of the injuries and impacts to victims of a mass shooting event, as described above.

In such cases, the Guidelines provide that a film should be refused classification if its depiction of such cruelty or real violence is 'gratuitous, exploitative or offensive', which the Review Board considered the depiction in the current film to be.

The Review Board considered the Applicant's submission that reasonable adults would recognise that other adults should not be prevented from sharing or viewing material of historic or political significance even if some may find it offensive and that such material does not offend against the standards of morality, decency and propriety generally accepted by reasonable adults 'to such an extent that it should not be classified' (emphasis in submissions).

The Review Board considered the merit of the film. While the Bondi mass shooting event in December 2025 may be considered of historical and political significance, the Review Board did not accept that the film itself was of such significance to outweigh the offence it would cause against the standards of morality, decency and propriety generally accepted by reasonable adults.

The Review Board considered the Applicant's submissions about the political significance of the material contained in the film. While the Review Board accepts there may be potential for the film to be used for political communication, the Review Board undertook its review by applying the provisions of the Classification Act and is not required to reach a separate view on whether any burden on political communication that would result from the film being Refused Classification is justified under the Constitution.

To the extent that the applicant refers more generally to the 'value of freedom of expression' and submits that to censor the film would restrict public discourse, the Review Board considers that it is appropriate for the film to be refused classification, having regard to the application of the Act, Code and Guidelines, as discussed in these reasons.

In its submissions, the Applicant cited a wide variety of material depicting crime, cruelty, violence or revolting or abhorrent phenomena, which spanned different historical periods and covering different subject matter, including media of the killings of Charlie Kirk and Iryna Zarutskya; the Holocaust; the Vietnam War; and attacks by Hamas on 7 October 2023, among others.

Classification under the Classification Act should be undertaken based on application of the provisions of the Classification Act (and, as a consequence, the Code and Guidelines) to the particular film being classified, rather than by reference to previous decisions of the Classification Board or Review Board. Many of the examples cited in the Applicant's submissions have not been classified under the Classification Act and the inferences that can be drawn from their availability online are of limited value to the assessment of the film presently in issue.

In any case, limited weight can be placed on inferences drawn from the classification, treatment, online availability, significance or critical reception of previous films or other media, particularly as each work must be assessed on its own merits, having regard to its content, context, and impact. As these elements are shaped by multiple factors, direct comparisons will often be of limited assistance.

Even if these other works cited by the Applicant held comparative weight, the film differed from these works in several salient ways, including, but not limited to (each with respect to some, but not all, of the examples cited by the Applicant):

- (a) the film depicts events in Australia;
- (b) the film depicts recent events;
- (c) the film does not depict the commission of the act of crime or violence itself;
- (d) the film appears unedited, and does not form part of a larger work which provides context to the film or characterises it as news or documentary footage.

The effect of such discrepancies is complex, contextual, and multifaceted (e.g., a film depicting the aftermath of an attack could conceivably, depending on its presentation and context, have a higher level of impact or significance than footage of the attack itself). The numerous examples cited by the Applicant do not provide a sound basis on which to draw conclusive inferences around the response of a reasonable adult to the current film.

The Review Board accepts the Applicant's submission that there is value in consistency in decision-making in classification decisions. As noted above, few of the examples raised by the Applicant above have been classified in Australia and, where they have been, the Review Board considered that the characteristics of the film under review in the present case were such that the RC classification of this film was not inconsistent with such prior classifications.

For example, in the 2025 Decisions, the films in question were found not to be gratuitous, exploitative or offensive to the extent they should be refused classification. The film under review in the present case differed from those films materially, such that the Review Board did not consider that there was inconsistency in finding that this film should be refused classification for reasons including:

- (a) the films classified in the 2025 Decisions depicted acts of violence rather than their aftermath, leading to fundamentally different considerations as to what reasonable adults would consider gratuitous, exploitative or offensive in those contexts;
- (b) the 2025 Decisions related to films of events outside of Australia; and
- (c) each of the 2025 Decisions noted a more detailed depiction the events shown in each film would be capable of being exploitative, gratuitous or offensive such that it should be refused classification. In the present case, the Review Board considered

the film's depiction of the aftermath of the Bondi mass shooting event is significantly detailed, such that refusal of classification on this basis is warranted.

The Review Board considered the Applicant's submissions in respect of the Australian Law Reform Commission (ALRC) report, *Classification – Content Regulation and Convergent Media* (ALRC 118), and a study prepared for the ALRC, *Community attitudes to higher level media content* (the Study).

The Applicant's references to ALRC 118 appear in fact to refer to the National Classification Scheme Review discussion paper from September 2011 (DP 77). Both DP 77 and ALRC 118 related to potential reform of the National Classification Scheme and the Review Board considered these to be of limited relevance to the classification of this film.

To the Applicant's submission that the RC category should not be applied broadly as it may restrict access to material of 'historic value', 'newsworthiness' or 'political significance', the Review Board considered that such factors go to a film's merit and general character and so are considered in classifying a film, as required by s 11 of the Classification Act.

In respect of the Study, the Applicant cited findings relating to audience views on footage of public executions of two men in Guatemala and from *Hostel*, a fictional film depicting torture of young tourists. The Review Board considered audience views in relation to such other footage was of limited relevance to classifying the film presently under review.

In any event, the Review Board's consideration of the Study did not affect its conclusion on classification. Some participants said footage of the executions 'was offensive because the viewer was observing the death of real people' and 'general consensus was that if it were a news report, it should be banned; if it were a documentary, it should not',<sup>2</sup> emphasising the importance of treatment and context in determining whether RC classification is appropriate. Factors participants said mitigated the impact of that footage, such as use of pixelation and that the events occurred far from Australia, were absent in the film presently under review.

On *Hostel*, some participants said special effects detracted from a feeling of real offensiveness and "unreality" of the story and images lessened the clips' impact. The Review Board did not accept fictionality is generally likely to increase offensiveness of violence and considered the Study to be not inconsistent with the view that depictions of real violence may, due to their reality, be higher in impact than equivalent fictional depictions.

The Review Board did not have access to the footage cited by the eSafety Commissioner and classified RC by the Classification Board (reference no. T25/14977) which the eSafety Commissioner submitted consisted of the same footage as the film, and as such was unable to make any conclusions with respect to that footage. In any case, as discussed above, the Review Board considered that comparisons to classification of other media was of limited assistance in undertaking the Review Board's task.

The Review Board considered that reasonable adults would consider the depiction of civilian victims of a recent mass shooting in Australia, presented in this manner, to offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified, and that the film should therefore be refused classification.

### **Minority opinion**

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<sup>2</sup> *Community attitudes to higher level media content*, p 38.

In the view of the minority, the film contains a depiction of the aftermath of violence which has a high degree of impact, but not a *very* high degree of impact.

In the minority's view the single, apparently unedited, shot cannot be described as excessively frequent. And, while the depiction contains some detail, camera movement and image quality obscure much, so that the depiction is not excessively detailed.

Notwithstanding the heinous nature of the event, in the minority's view, the depiction is not gratuitous, exploitative or offensive to the extent that it should be Refused Classification. 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 minority notes that films classified R 18+ - Restricted may contain material which is high in impact and which is offensive to sections of the adult community. In the minority view, the film is appropriately classified R 18+ - Restricted with a consumer advice warning that it contains 'High Impact Violence, Blood and Injury Detail, Distressing Scenes'.

## **8. Summary**

Having considered sections 9 and 11 of the Classification Act together with the Code and Guidelines, the Review Board found that the film's depiction of violence is very high in impact, involving prolonged, close-range and unedited footage of identifiable victims who appear deceased or with visible injuries in the immediate aftermath of a recent mass shooting in Australia.

Taking into account community standards, the Review Board found these depictions to be intrusive, gratuitous and exploitative in its depiction of violence and real human suffering, and to offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified.

The film should therefore be Refused Classification.