

The Original complaint by ACCM as lodged on the ABC website

Program: The Proposition
Program Date: 10/1/10
ABC Service\Network: ABC1
ABC Recipient: Audience & Consumer Affairs
Subject: Incorrect classification of film

Your Comments: The Australian Council on Children and the Media (ACCM) wishes to lodge a complaint about the screening of the film *The Proposition* on 10/1/10. In summary, this film, as screened, was improperly classified and unsuitable for its timeslot, and its promotion failed to adequately warn of the nature of the film.

This film was screened on ABC TV 1 at 8.30pm on 10/1/10, classified M, with consumer advice lines "Frequent coarse language, Violence".

This film was classified for cinema release by the Classification Board as MA15+ on 7/9/05 with consumer advice lines "Strong violence, coarse language".

The ACCM understands that the ABC uses the Classification Board guidelines and criteria when modifying and classifying films for screening on TV.

The ACCM has viewed the film as screened. We acknowledge that some cuts had been made to the original film, but we consider that these were not adequate, and did not result in a film which could be classified as M.

We hold the view that:

- a) The film embodied a theme whose impact had more than a moderate sense of threat or menace, and
- b) the frequent violence in the film was "strong" and not "moderate" as required by the Guidelines, and
- c) the coarse language frequently used was both strong and used aggressively

Further, the cumulative impact of the theme, violence and language was sufficiently strong as to place it outside the M guidelines.

The ACCM has compared the film as screened with the Classification Board report of 7/9/05. In our view many of the instances of violence cited by the Board were still present in the film, albeit briefly cut in some instances.

Violence: The ACCM believes that the impact of most of the following sequences listed by the Board as "strong violence" viz, those at 2.00, 4.00, 19.00, 34.00, 37.00, 57.00, 61.00, 70.00. 76.00. 84.00. 89.00, 92.00, and 94.00 remain strong despite some cuts. They show detail of wounds, are not brief, are accentuated by horrifying sound from victims, some degree of relish by the perpetrators, and are realistically shown.

In particular, the scene commencing at 57mins of an extended whipping (running for close to 4 mins) contains most of the original elements, including ongoing screams, and the wringing out of the whip, with a resulting pooling of blood on the ground.

From 70 mins to the end, the scenes of violence have a very strong impact, created by a strong sense of threat and menace, detail of

wounds, prolonged sound of victims' distress, relished by perpetrators.

Theme: The proposition that one of the outlaws should pursue and kills his older brother in order to save the life of his younger one, creates the strong sense of threat and menace which pervades the film, and results in its detailed and grisly violence. It is a theme that requires a mature perspective. It is difficult to understand how such a film could be considered suitable for an M classification.

Language: "Fuck" language is used moderately frequently in the film, most often in a very aggressive manner, and sometimes in a sexual context (referring to Mrs Stanley). The use of this language in this manner exceeds the levels permitted at M.

Promotion:

In the view of the ACCM, viewers were not adequately informed in advance (through promos) nor at the commencement of the film, of the nature and content of this film.

The frequent on-air promos did not always carry the M classification for the film, and did not adequately indicate the violent nature of the film. These promos were often linked, using a gentle female voiceover, with the wild life documentary to be shown at 7.30 pm the same night . It sounded like an evening of fun.

The consumer advice lines at the commencement of the screening were misleading. The line "violence" was grossly insufficient to indicate the confronting and grisly nature of the film. The consumer advice line of "frequent coarse language" more realistically conveyed the use of strong language.

The ACCM has more detailed information which it can supply about the content of this film and its impact, if required.

Conclusion: The ACCM believes that this film was totally unsuitable for an M classification, and that the attempts to cut it to make it fit, resulted in a film with undiminished strong impact, and which should not have been shown at a time which was easily accessible to a young audience during school holidays.

PS The ACCM also believes that Samson and Delilah shown some weeks back now, was also not sufficiently cut to make it suitable for an M timeslot (drug use depictions).

The ABC response to the complaint

Sent: Wednesday, 10 March 2010 2:48 PM
To: 'Barbara Biggins'
Subject: Re: Incorrect classification of film

Dear Ms Biggins

Thank you again for your email of 31 January 2010 regarding The Proposition.

The Australian Council on Children and the Media's concerns regarding the classification of this film have now been investigated by

Audience & Consumer Affairs, a unit which is separate to and independent of program making areas within the ABC. In light of the ACCM's concerns, Audience & Consumer Affairs has assessed the edited version of the film, as broadcast on ABC1 on 10 January, against the M classification guidelines set out in section 6.2 of the ABC's Code of Practice. In particular, in relation to themes, violence and language in M programs, the Code of Practice states as follows:

"Themes: Most themes can be dealt with, but the treatment should be discreet and the impact should not be high.

Violence: Generally, depictions of violence should:

- * not contain a lot of detail, and
- * not be prolonged.

In realistic treatments, depictions of violence that contain detail should:

- * be infrequent, and
- * not have a high impact, and/or
- * not be gratuitous.

In stylised treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact.

Verbal and indirect visual references to sexual violence may only be included if they are:

- * discreet and infrequent, and
- * strongly justified by the narrative or documentary context.

...

Language: Coarse language may be used. Generally, coarse language that is stronger, detailed or very aggressive should:

- * be infrequent, and
- * not be gratuitous."

Additionally, Audience & Consumer Affairs has assessed the consumer advice provided prior to the commencement of the film against sections 2.3 and 6.5 of the Code of Practice, which state as follows:

"Warnings. From time to time the ABC presents content that it recognises may disturb or offend some of the audience. Where appropriate, the audience will be given advance notice about such content.

...

Consumer Advice. Audio and visual consumer advice on the reasons for an M or MA15+ classification will be given prior to the beginning of an M or MA15+ MA15+ program."

Before addressing the substantive classification issues raised by the ACCM, I should first respond to your comment, "The ACCM understands that the ABC uses the Classification Board guidelines and criteria when modifying and classifying films for screening on TV".

It is not the case that the ABC uses the Guidelines for the Classification of Films and Computer Games, as applied by the Classification Board, when classifying films for broadcast on television. Instead, the ABC uses the classification scheme outlined in section 6 of the ABC's Code of Practice. As noted in section 6.1 of the Code of Practice, the ABC classifications are based on the Guidelines for the Classification of Films and Computer Games; however, the two classification schemes are not identical.

In particular, whereas the Guidelines for the Classification of Films and Computer Games require the application of an impact test in relation to all classifiable elements, the ABC's classification scheme does not, although the concept of impact is present within

this scheme and is specifically referred to in the Code of Practice with regard to certain classifiable elements.

I should also address your use of the Classification Board report. Given the distinction between the two classification schemes, and the edits made to the film prior to broadcast, Audience & Consumer Affairs does not consider the Classification Board report to be directly relevant to an assessment of whether the edited film broadcast on ABC1 adhered to the Code of Practice. Nonetheless, as a means of identifying particular scenes of concern to the ACCM, I will make use of the time references used by the Classification Board in its report.

THEMES

In your comments on theme, you state that the titular proposition which set up the film's plot "creates the strong sense of threat and menace which pervades the film, and results in its detailed and grisly violence". It is important to recognise that the ABC's classification guidelines for the treatment of themes at the M level do not require consideration of sense of threat or menace. Rather, the guidelines require the treatment of themes to be discreet and to not have a high impact.

While the proposition presented by Captain Stanley was central to the plot and helped to create dramatic tension, we do not believe that it constituted an adult theme for the purposes of program classification. On review of the film, Audience & Consumer Affairs considers that its treatment of themes was discreet and did not have a high impact, and was therefore consistent with the M classification guidelines.

VIOLENCE

Broadly speaking, the depictions of violence in the film were neither detailed nor prolonged. The film made use of editing and fast-paced shots to minimise the amount of detail shown and the length of the more detailed depictions. Furthermore, all of the depictions were strongly justified within the context of the film, and were therefore not gratuitous.

In your email you list all of the instances of violence described in the Classification Board report, and make particular reference to the sequence depicting the whipping of Mikey Burns, and the scenes of violence from 70 minutes onwards. I will address each instance using the Classification Board's time references:

- 2.00 minutes

The opening shoot-out sequence contained very little detail and was not prolonged. The majority of violent occurrences during the sequence were suggested or implied rather than being depicted on-screen. Those which were shown were very brief and were lit, shot and edited in a discreet manner which precluded the audience from seeing blood or wounds in detail.

- 4.00 minutes

Captain Stanley's striking of Mikey's face was obscured, being shown from behind Mikey, and was quite discreet. During the remainder of the scene, Mikey's face was shown in several brief shots, with some

blood visible. Neither the blow itself nor the post-action shots of Mikey's face were prolonged, and the impact was not high.

- 19.00 minutes

After an off-screen character accidentally shot himself in the foot, viewers were briefly shown the bloody foot. Although this contained some detail, it was not prolonged and the impact was reduced by the farcical circumstances of the violence and the fact that the shooting was not shown on-screen.

- 34.00 minutes

A very quick, discreet shot of a dead man was shown, with some blood visible. Once again, the actual violence was not shown; instead, viewers were shown a post-action depiction of the speared man. The impact of this shot was not high.

- 37.00 minutes

I understand the shot described in the Classification Board report as "the head of an Aborigine explodes as he is implicitly shot by Arthur's friend Sam" was removed from this sequence by ABC Television. The depictions of violence remaining in the sequence included a very discreet shot of Charlie's dead horse, and several shots depicting Charlie being wounded by a spear. The moment at which the spear hit Charlie was shown in a long shot, with no entry or exit wound visible and very little visual detail. This was followed by a brief, bloodless shot of the spear protruding from Charlie's chest. He was then shown spitting some blood while holding onto the spear, obscuring the entry wound. Overall, the shots remaining in the sequence did not contain a lot of detail, did not depict violence in a prolonged manner, and did not have a high impact.

- 57.00 minutes

Although you describe the whipping sequence as "contain[ing] most of the original elements", I am advised that in fact no edits were made to the sequence by ABC Television. It is not the case that the sequence ran "for close to 4 mins", as stated in your email. While approximately 2 minutes and 40 seconds passed from the time the whipping started until it ended, a considerable portion of this time featured scenes of Samuel singing at Arthur Burns' camp which were intercut into the sequence. Of the remaining parts of the sequence, many shots showed townspeople watching the whipping rather than the whipping itself.

In total, ten lashings were visually depicted, while several others were audible but were not shown on-screen. The majority of the ten lashings shown were implied or suggested only, being shot from in front of Mikey so that viewers were not able to actually see the whip connecting with his back.

This meant that visual details such as blood or lash wounds were not visible for much of the sequence. Late in the sequence, the bloody whip was shown being squeezed out, resulting in a small pool of blood on the floor. A short time later one lashing was shown from behind Mikey, allowing viewers to see some detail of the blood and wounds on his back. Although this shot was quite detailed, it was extremely brief (approximately half a second in duration), which reduced its impact.

The manner in which the entire sequence was shot and edited resulted in a discreet portrayal of a violent act of punishment which was pivotal to the plot and eventually resulted in Mikey's death. Most of the action was implied or suggested rather than being shown on-screen, and very few shots showed any visual detail of what was implied to be occurring.

- 61.00 minutes

A brief post-action shot of Mikey's wounds being attended to by a doctor was shown. This was quite discreet as it did not actually show Mikey's wounded back, but rather, a blood-stained cloth or bandage covering it.

- 70.00 minutes

I understand ABC Television removed the shot described in the Classification Board report as "A brief post action visual shows the Sergeant's crushed and bloody head" from this sequence. The shots left in the scene did not contain any visual detail; Arthur was shown appearing to stomp downwards, but the victim of his violence was not visible.

- 76.00 minutes

This sequence contained several acts of violence. Firstly, Lamb was implied to have been shot in the abdomen, although this occurred off-screen and would not have been apparent to viewers without the shot of a growing blood stain on his shirt. Secondly, Arthur was implied to stab Lamb in the chest, although once again, this was not visible to viewers, being obscured by Arthur's arm and shoulder. After this, the knife was briefly shown protruding from Lamb's chest with some blood visible, but his clothes obscured the actual wound. Finally, Charlie was implied to shoot Lamb (who was off-screen) and there was a fairly brief post-action shot of his head with a small hole visible above his eye and some blood trickling onto the ground behind and beside him. The exit wound, from which the blood was implied to be trickling, was not shown.

Despite the inclusion of some detail, particularly in the post-action shot of Lamb's head wound, the acts of violence in this sequence were depicted in a careful and discreet manner, with none of them being shown unobscured on the screen and none of the depictions being prolonged. Consequently, the impact of the depictions was not high.

- 84.00 minutes

At this point there was a shot of two decapitated guards in a jail cell. The shot was brief, lasting less than three seconds, and was not shown in close-up. Although some detail was visible, including the guards' neck wounds and blood on the floor, the brevity of the shot and the fact that it was post-action rather than a depiction of the actual decapitations reduced the impact.

- 89.00, 92.00 and 94.00 minutes

The depictions of violence in the climactic sequence began with Captain Stanley being hit on the back of the head and dragged into another room. He was then impliedly beaten off-screen. After this, his wife Martha was dragged into the room and viewers were able to

see that Captain Stanley was tied to a chair with a flag wrapped around his head. He was shown being shot in the shoulder, with blood spraying quickly onto the wall behind him.

At this point Samuel was impliedly preparing to rape Martha, with actions such as undoing his belt and restraining her wrists. This part of the sequence contained discreet, indirect visual references to sexual violence.

Throughout the scene it was unclear whether or not Samuel was raping Martha, as no visual confirmation was provided. Indeed, when Martha pushed Samuel off herself, viewers were able to see that she remained clothed and her dress was not lifted up, suggesting that Samuel had not been successful in attempting to rape her.

I understand the shot described by the Classification Board as "Charlie... shoots Sam through the head at close range, causing blood spray over the wall next to him" was removed from this sequence by ABC Television. After Sam's death, Charlie was shown shooting Arthur twice in the abdomen. This depiction had little visual detail, with the wounds being obscured by Arthur's clothes. There was no exaggerated blood spray, but some blood was shown seeping from the two shots and some was visible on the wall after Arthur moved. In addition to the minimal detail, the impact of this final act of violence was also reduced by the fact that the victim was the established villain Arthur, and by his calm reaction to being shot.

Prior to the film's non-violent closing scene, there was one final shot of Captain Stanley in the room after Charlie and Arthur had left. He was clearly alive despite his ordeal, with blood on his face after the beating he had impliedly suffered.

On review of all of these sequences, Audience & Consumer Affairs is satisfied that the depictions of violence were consistent with the M classification guidelines in the Code of Practice. Although several of the depictions contained detail, these depictions were infrequent within the context of the 100 minute film, were not gratuitous, and were invariably shown quickly rather than being prolonged. Furthermore, many of the depictions of violence were carefully framed, shot and edited to avoid showing the acts of violence themselves, instead focusing on their results or the reactions of other characters.

COARSE LANGUAGE

The film contained several instances of coarse language, all of which was justified within the context of each scene in which it was used, as well as within the broader context of the film's style and setting. The stronger and more aggressive instances of coarse language were quite infrequent, such as in the brief scene to which you refer, when a group of male characters discussed Mrs Stanley and used coarse language in a sexual context. On review, Audience & Consumer Affairs does not agree with ACCM's view that the use of coarse language in the film exceeded the levels permitted at M.

CONSUMER ADVICE

The film was preceded by the M classification symbol and audio and visual warnings advising viewers that it was recommended for a mature audience, and that it contained frequent coarse language and violence. I understand these two elements were listed as consumer advice because they were the reasons for the M classification.

Audience & Consumer Affairs considers that this consumer advice provided the audience with sufficient advance notice about the film's content to make an informed decision about whether it was likely to disturb or offend them, and whether it was suitable for themselves and their families to watch. We do not agree with your suggestion that the consumer advice was misleading.

For the reasons outlined above, Audience & Consumer Affairs is satisfied that the edited version of the film broadcast on ABC1 was consistent with the M classification guidelines, and the consumer advice which preceded the film was consistent with the relevant provisions of the Code of Practice.

Accordingly, the ACCM's complaint is not upheld. Nonetheless, I would like to assure you that the ACCM's concerns have been raised with the ABC's classification staff and ABC Television management.

Thank you for giving the ABC the opportunity to respond to the ACCM's concerns. For your reference, the Code of Practice is available here: http://abc.net.au/corp/pubs/documents/200806_codeofpractice-revised_2008.pdf

Yours sincerely

Simon Melkman
ABC Audience & Consumer Affairs

Additional report for ACCM

I have been provided with a recording of the ABC's broadcast of "The Proposition", copies of the correspondence between ACCM and Simon Melkman of ABC Audience & Consumer Affairs ("A&CA"). I obtained copies of the ABC's Code of Practice and the Guidelines for the Classification of Films and Computer Games (the "Guidelines").

Correspondence: It was stated by the A&CA that the ABC's own Code of Practice was based on the Guidelines but that the ABC did not adopt the definition of 'impact'. The A&CA claimed that the 'concept' of impact is present and specifically referred to in the Code of Practice but that the application of an "impact test" is not required to establish the 'impact' of a classifiable element such as violence.

The A&CA claimed that the Classification Board's detailed report on the film and its violent scenes was not considered "directly relevant" due to the edited nature of the film broadcast by the ABC. It should be noted that correspondence from the A&CA refers to only 3 instances of violent scenes of the film being edited.

In response to the ACCM's concerns the A&CA addressed the issues of themes, coarse language and 13 scenes of violence as described by the Classification Board's report. Despite claims by the A&CA that impact testing is not required for all classifiable elements such as violence in an 'M'

rated film or program the A&CA chose to refer to the violent scenes in terms of their 'level of impact' in 9 of the 13 scenes.

It must be noted that the A&CA is mistaken in its claim that "all of the depictions [of violence] were strongly justified within the context of the film, and were therefore not gratuitous" as the Code of Practice uses this terminology for the justification of "[v]erbal and indirect visual references to sexual violence" and not to violence in general.

Themes: In answering the ACCM's concerns regarding 'themes' the A&CA stated that "treatment of themes is to be discreet and to not have a high impact" but there is no explanation of how the levels of discretion and impact were arrived at.

In addition, it was also claimed that the "proposition presented by Captain Stanley" did not constitute an "adult theme". I find it difficult to understand how the "proposition" could be determined to be anything but an adult theme given it involved giving a man in custody the choice between killing his older brother or sacrificing his younger brother.

Violent Scenes

2 minutes: Contrary to the A&CA's claims and with the Code of Practice requirements in mind, the opening scenes contained significant detail and were prolonged. The details involved the sounds and smoke generated by the gunfire, the apparent fear of the 'innocent' occupants of the building and the number of bullet-holes that continued to appear throughout the scene. The scene was prolonged in that the details already stated were repeated numerous times. In regards to the 'realistic' element of the scene details such as the appearance of bullet holes were definitely not "infrequent". In "stylistic" terms the use of multiple light sources shining through the 'bullet-holes' to portray bullet trajectories travelling in all directions was a detail that increased the viewers' realisation of danger faced by the occupants.

4 minutes: While the striking of Mikey was obscured with no vision of the actual contact between Capt Stanley's pistol butt and Mikey's face the scene did contain details such as the swinging of the pistol by Capt Stanley, the sound of the pistol striking Mikey and Mikey's cry of pain. These details are consistent with an act of violence although none were prolonged.

19 minutes: The A&CA claimed that "some detail" was briefly visible during this scene, but it appeared to consist of a single depiction of dripping blood with no wound actually visible. In addition, the events leading up to the image of dripping blood involve 'slap-stick' and rather 'dark' humour as Captain Stanley knocks himself to the ground after running into a closed door, the wisps of smoke rising from the bullet-hole in the trooper's boot and the reaction of the trooper himself support the A&CA's claim that the farcical nature of this scene reduce the violent content.

34 minutes: This scene involved a very brief shot of a body with several spears protruding from it. This scene was shown very rapidly and very little

detail could be ascertained during the time the body was visible. In line with the ABC's Code of Practice, the scene's 'violent' content was neither prolonged nor detailed.

37 minutes: Some of the details in this scene were not 'graphic' in nature such as the 'bloodless' shots of the victim holding a spear that was supposedly piercing his chest. However I disagree with the A&CA claim that the violence was reduced in this scene through the use of a "long shot". This "long shot" showed a spear travelling through the air as it approached the victim before piercing his chest and exiting through his back where it protruded by several feet. This was 'realistic' and not 'stylised' and the filming distance actually accentuated the realism of the scene as the spear is seen to approach, strike and penetrate the victim's body.

It is also possible to argue that the inclusion of the "long shot" was gratuitous as other aspects of the scene, such as Charlie grasping the spear protruding from his chest, convey the message that Charlie has been speared by the Aboriginals surrounding his camp.

Prior to the spearing there is a brief shot of a horse which the Classification Board's report claimed had "flesh removed" which on closer inspection is actually a blood-soaked rag covering the horse's head and neck. It can be argued that viewing a mutilated animal carcass is more disturbing to most viewers than viewing a non-mutilated animal corpse although it is unlikely that the image of the horse lasted long enough for the majority of viewers to make a decision as to what they actually saw.

57 minutes: The A&CA disputed the ACCM's claim that the whipping scene lasted almost 4 minutes and stated that it lasted a mere 2 minutes and 40 seconds from the "time the whipping starts". I disagree with the A&CA on both the duration of the scene and also at what point the scene commences. I timed the scene at 3 minutes and 43 seconds and chose to recognise a visibly distressed and confused Mikey being forcibly removed from the gaol as being the beginning of the whipping scene. I believe that my timing of the scene reflects the Classification Board's indicated scene duration of approximately 4 minutes.

The whipping scene contained details of Mikey's visibly distressed state, his cries of terror and pain, and the 'action' of whipping (regardless of whether contact between the whip and Mikey's body was only seen once) created graphic mental images rather than presenting visually graphic images of violence.

The fact that the whipping scene was interspersed with 'cutaways' to Samuel singing and footage of the locals watching the whipping increased rather than reduced the impact of the scene as the A&CA claim.

- The whipping continued during the cutaways emphasising the duration of the whipping incident.
- Despite the locals being shown spectating rather than the actual whipping itself being seen does not mean that the activity or the impact of the activity has ceased or been suspended.

Prior to the whipping scene, the troopers and Burns brothers were established as violent characters with the local population portrayed as potential victims. This changed with the Captain opposing the punishment and the troopers refusing to complete the required number of lashes while the supposedly 'violent' Burns brothers and Samuel enjoyed an afternoon of 'cultured' singing in their camp. The 'peaceful' locals instigated, encouraged and watched the whipping completing the role reversals.

I disagree with the A&CA's claim that the entire whipping scene was a 'discreet portrayal of a violent act of punishment'.

- The ABC's Code of Practice does not contain a definition of 'discreet' nor how the level of discretion can be established
- While the whipping may have been in context with the barbaric acts of civilised "gentlemen" the actual punishment was not justifiable within the context of the film.

61 minutes: This scene did not contain vision of Mikey's wounds caused by the public flogging. The A&CA again refer to the scene being discreet and indicate that this was because the wounds themselves were not seen, however the blood-soaked rag, face-down position, unconscious state of Mikey and the doctor's reaction convey the severity of the wounds undermining the use of the term 'discreet' regarding the stylised violence of the scene.

70 minutes: The A&CA correctly stated that vision of the sergeant's "crushed and bloody head" was removed from the scene. I cannot support the general claims of the A&CA regarding other elements of this scene:

- While Arthur was shown to stomp repeatedly downwards onto something or someone off-camera a viewer cannot determine what area, if any, of the sergeant's body were being struck
- The stomping was prolonged in that Arthur continued stomping for sometime - this is not gratuitous if the scene contained the footage of the "crushed and bloody head" as it would be unlikely if 1 or 2 strikes could have caused such serious injuries
- Considering that the footage of the "crushed and bloody head" was not used in the broadcast it should be argued that the stomping footage was gratuitous and unnecessary to the film - without the stomping scene the sergeant would be shown being forced at knife-point toward the rear of the barn, the next scene would show Arthur and Stoaat leaving the barn and dropping a blood-stained knife beside an Aboriginal tracker who appears to have had his throat cut before the confrontation with the sergeant.

76 minutes: This scene involved instances of violence including a stabbing and two shootings, although there were few visual depictions of the violence such as wounds.

The A&CA claimed that these violent acts occurred "off-camera" or were

obscured from view and were therefore only “implied” and were “depicted in a careful and discreet manner” leading to the claim that the “impact of the depictions was not high.”

I am curious as to whether a viewer must see exposed wounds in order to receive a ‘high impact’ from the violence or whether the ‘thought’ of violence can have a similar ‘impact’ on a member of the public viewing such material.

84 minutes: In this scene the viewer is confronted by the sight of two headless bodies laying in the gaol’s yard. The claim by A&CA is that the footage was of a short duration and that the wounds themselves were seen in conjunction with blood surrounding the neck area and on the ground in the vicinity of the wounds. I would argue that the shots used were not ‘brief’ as claimed and that while a three second viewing of two decapitated corpses would impose a lesser impact than viewing the actual decapitation, this scene does impose a significant impact on the viewer.

92 minutes: The A&CA’s opinion of what occurred between Samuel and Martha is somewhat questionable. The claim is that because Martha’s skirt was not seen to be raised up then Samuel was unsuccessful in attempting to rape her. In actual fact Samuel was unsuccessful in raping Martha but was successful in attempting to rape her as his actions imply that he formed the intent by restraining his victim, removing his own clothing and positioning himself between her legs before being shot by Charlie. This sequence of events is not “discreet” as required by the ABC’s Code of Practice and I would argue that a male restraining a female while removing his lower items of clothing and appearing to force himself on her is far from indirect.

Coarse language: The use of coarse language was infrequent and used within the context of the film’s story-line. The Classification Board identified a scene at the 35 minute mark where the troopers use coarse language while describing Captain Stanley’s wife. This language was used to describe acts of a sexual nature but there was no indication of sexual violence or the threat of sexual violence. In addition, Mrs Stanley was not present during the use of the coarse language, nor was she or any part of her objectified or depersonalised.

In general I would argue that the violence in the film was not infrequent as claimed by the A&CA. Referring to the time-stamps provided by the Classification Board’s report and after watching the taped broadcast there are as little as two minutes between violent scenes with the longest period without a notable violent act being 20 minutes. While the coarse language content may satisfy an “M” rating I believe the film as broadcast should have been given an “MA15+” rating due to the strong violence contained in the film.