

SUMMARY OF REASONS FOR DECISION

Under the Films, Videos, and Publications Classification Act 1993 (FVPC Act)

HEADNOTE

Type of Publication:	35mm Film
Title of Publication:	Out Of The Blue
Other known title:	Not Stated.
OFLC Publication Reference No:	602085
Decision:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 15 years.
Display Conditions:	Nil
Descriptive Note:	Violence and content that may disturb.

The 35mm film entitled *Out Of The Blue* is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 15 years because of the manner in which it depicts crime, cruelty and violence.

The publication is a 35mm feature film from New Zealand with a running time of 104 minutes and 24 seconds. The feature is an understated re-telling of the massacre of 13 people in the remote Otago township of Aramoana on 13 and 14 November 1990. Residents of the small coastal settlement are shown going about their daily lives, while paranoid gun enthusiast David Gray, who has become estranged from the rest of the community, grows increasingly agitated. Gray begins his rampage by shooting an old friend and three young girls. For the next 22 hours Gray terrorises his fellow residents, while local police struggle to control the situation, and their own emotions. After a fraught night police finally locate Gray and force him out of hiding. During the frantic stand-off Gray is shot and restrained. Music and scenic footage is used to contrast the normally tranquil atmosphere of Aramoana with the shocking events that unfold.

The film deals with matters of crime, cruelty and violence in terms of s3(1) of the FVPC Act. Nothing in the film requires consideration under s3(2). Cruelty and violence are considered with the infliction of serious physical harm under s3(3)(a)(i).

The film deals with matters of crime, in the form of a mass murder at the hands of one man. Gray is presented as suffering from mental illness, and while he is not overtly demonised, the viewer is left with the strong message that his actions are despicable, with hugely traumatic repercussions to a small community. Nothing in the film glorifies, glamorises, or trivialises his criminal behaviour.

The film deals with the infliction of serious physical harm and acts of significant cruelty under s3(3)(a)(i). Gray is depicted terrorising his fellow residents and neighbours, indiscriminately shooting anyone in his sights. Shootings are depicted in a no-nonsense manner. Bullets often ricochet around the victims before making contact, on account of Gray's poor eyesight. The first shootings are particularly shocking. Gray is depicted arguing with his estranged friend Garry Holden on the lawn between their two properties. He walks away angrily, enters his house, and returns with a rifle. Gray unexpectedly shoots Garry a number of times in the stomach and chest at close range. Garry collapses and Gray continues to shoot while he lies injured on the grass. Garry's two young daughters and the daughter of his partner Julie-Anne witness the shooting. The three girls quickly retreat to Garry's house, hiding under the kitchen table, obviously terrified and desperate to remain undetected. Filmed from the girls' point of view, Gray is shown bursting into the house and standing in front of the table holding his gun. He bends down, sees the girls, and opens fire.

Many of the shootings are conveyed without actually depicting point of contact injuries. Exceptions, which include Garry's shooting described above, do so without focussing on the injuries, and blood is rarely seen. Impact is derived from sound, the callous and random manner in which Gray selects his targets, and from the strong identification the viewer has with the victims. The hardest-hitting scenes are often those depicting the conversations between victims, and those trying to help them while Gray is still on the loose. For instance, a woman named Vanessa is depicted lying injured in the middle of a road. Incapable of crawling to safety, she pleads with a policeman to find her children who have also been shot. With Gray still firing close by, the policeman is unable to move from his position, and the anguish both parties feel at their respective helplessness is palpable.

The strongest scene in terms of the infliction of serious physical harm depicts the police shooting Gray as he abandons his hiding place. Gray leaves the house and is met by a group of armed police who open fire. Gray is shown shuddering wildly from the impact of the automatic gunfire. All four police officers wrestle him to the ground, restraining his arms behind his back with a belt. Gray writhes on the ground, resisting the police officers. While obviously in pain, Gray is strangely active considering the number of bullet wounds he has sustained. The policemen then huddle in a group not far from Gray and light cigarettes, waiting for him to become subdued. When Gray stops moving the camera pans his body, clearly showing a bullet wound in his shoulder, his face covered in blood, and his mouth open. The ferocity of the gunfire, Gray's frenzied demeanour, and the measures necessary to restrain him, give the scene considerable impact. It is not clear to the viewer whether Gray has been left to die by the police, or whether he has become unconscious. This ambiguity lends an element of cruelty to the policemen's actions, suggesting a callousness that is both understandable and upsetting.

With the exception of Gray's death the film does not deal with the infliction of serious physical harm explicitly. The murders are conveyed by cut-away shots, sound effects, and the reactions of witnesses. Some killings are depicted so indirectly that the viewer is left to piece together what has happened.

The film contains the use of the word "fuck" several times. The most noticeable instance depicts a police officer warning a young man to move out of sight to avoid being shot. In such a specific, high pressure context, the public in general are unlikely to find the language highly offensive in terms of s3A.

The dominant effect of the film is of a poignant and restrained account of a mass-murder in a small New Zealand town. The feature is as much a celebration of ordinary people's bravery and compassion in extenuating circumstances as it is an interpretation of a tragic piece of New Zealand's recent history. The dominant effect is to some degree dependant on the circumstances of the viewer. Many adult New Zealanders are likely to remember the actual event, which is likely to affect the impact the film has on them. Those who were closely involved in the tragedy at Aramoana are likely to find the film upsetting and potentially traumatic.

For this reason, on 20 September 2006, the Classification Office held two meetings at Port Chalmers to consult with people closely affected by the event portrayed in the film. The first meeting was attended by nine people who were either related to those who had been murdered, or who had themselves survived being shot. The second meeting was attended by 21 members of the Aramoana community. People attending the meetings were shown the classification criteria, given an opportunity to discuss what they thought of the film and how it should be classified, and were then asked to write down what they thought the film's classification should be and why. The Classification Office received 28 written responses from these meetings. Another seven submissions were sent to the Office independently of the meetings.

Fourteen of the 35 submissions recommended a ban. Three of these 14 people were either survivors or related to victims, and 13 indicated that they had not seen the film. The reasons given for recommending a ban include the film's ability to re-traumatise those most affected by the shootings. These reasons are perhaps best summarised by Trevor Agnew in an article that appeared in the *Sunday Star-Times* on 1 October 2006:

A film about murdering children can never be shown to young people but some will feel that a film about murdering children who they remember should never be shown at all.

Twenty of the 35 submissions recommended that the film be either restricted or unrestricted (one submission did not recommend a classification). Six of these 20 people were either survivors or related to victims, and 13 indicated that they had seen the film. Reasons given for recommending a restriction include the need to protect children from being disturbed by depictions of children being killed by someone known to them. Reasons given for recommending an unrestricted classification include the film's merit in sensitively portraying a significant recent event in the nation's history.

There was some discussion of restricting the film to theatrical release to minimise the possibility that, as one person wrote, "the graphic portrayal of David Gray's death could feed a negative fantasy". On the other hand, another person submitted that he would be emotionally unable to view the film in a cinema, but would be able to discuss it with family members at home. It is also possible that a video or DVD version of the film could be used as a teaching resource from the fifth form in current affairs, history, social studies and film study classes.

The film has merit in that it deals with a highly emotional, and relatively recent, event in a responsible manner that is likely to prompt discussion around a number of pertinent social issues. The film is likely to present violence to teenagers in a new light. Rather than the sanitised and glorified violence often depicted in popular mainstream productions, *Out Of The Blue* presents violence in a realistic manner. The random,

unspectacular nature of violence is captured, as are the devastating repercussions it has for good, honest, real people.

A restriction on the availability of the film is necessary to avoid injury to the public good. The film is an account of actual events in New Zealand's recent history. It has merit in sensitively portraying the responses of ordinary people to an extraordinary and horrific event. Although the infliction of serious physical harm is dealt with in a relatively restrained manner, the random murder of 13 people is a difficult set of circumstances for younger viewers to put into context. Children's sense of security relies heavily on the belief that their caregivers can protect them. The film depicts children being hunted down and killed without reason, by a person they knew and with whom they were familiar, in circumstances where both their parents and the authorities are helpless to defend them. The film is likely to cause younger viewers distress and unduly threaten their sense of personal safety. Older teenagers are capable of understanding the circumstances to a level that will avoid any long-lasting negative effects from viewing inherently upsetting events. For these reasons, *Out Of The Blue* is classified as objectionable unless restricted to persons 15 years of age and over.