

51st Sydney Film Festival—Part 3

Some Australian documentaries: plenty of room for improvement

By Richard Phillips
26 July 2004

The rise in popularity of feature-length documentaries over the last few years is an important political phenomenon. In the past, non-fiction films rarely gained cinema release, with screenings largely restricted to festivals or specialised arts events. All this changed with Michael Moore's *Bowling for Columbine* in 2002 and even more dramatically with *Fahrenheit 9/11*, which has already earned over \$US100 million in the US, where it is screening in more than 2,000 American cinemas, and breaking ticket-sale records for documentaries in every country it has been shown.

The response to *Fahrenheit 9/11* expresses deep-going opposition to the Bush administration's unprovoked military attacks on Iraq and Afghanistan and growing concern about the escalating political assault on democratic rights. But those flocking to Moore's film are also registering a protest against the corporate media, which acted as cheerleaders for the unprovoked attack on Iraq, and looking for alternatives to it.

This sentiment is also manifested in the proliferation of documentaries specifically dealing with the news media. *Control Room*, about the Al Jazeera television network and its coverage of the Iraq invasion, was one of the more popular films screened at the Sydney Film Festival and is currently attracting decent-sized audiences in local Australian cinemas. Large numbers of people have little confidence in the mainstream media and are not only demanding honest and accurate information but higher standards of documentary filmmaking.

A few days before the Sydney Film Festival, the *Sydney Morning Herald* forecast that Australian documentaries would "climb to new heights" at the event. Unfortunately, most of them failed to fulfill this overly optimistic prediction or the demands of the more politicised climate. Few were prepared to go beyond the framework set by local network television, and those that did were politically limited or confused. The Australian non-fiction movies watched by this writer—*Secrets of the Jury Room*; *Sydney at War—The Untold Story*; *Who Was Evelyn Orcher?*; and *Anthem*—revealed that there is much room for improvement.

Secrets of the Jury Room, directed by Aviva Ziegler, purported to be a "gripping examination of the jury trial system". Ziegler, a veteran television director and producer, staged a mock trial in which a young Lebanese gay man—Jacob Bashir—was charged for allegedly killing his terminally ill lover, Frank Towler. Two juries of 12 were selected and a "trial" conducted involving retired Supreme Court Judge George Hampel QC and senior defence and prosecution barristers, Tom Molomby and Elizabeth Fullerton, respectively.

The alleged crime, which was based on a story written by John Bryson, a barrister and author of *Evil Angels*, centred on whether Towler, who suffered from Motor Neurone Disease, was capable of fulfilling his stated wish for a peaceful death, without assistance. Although Towler had previously expressed a desire to end his life, his daughter, a nun, claimed that he had changed his mind. She accused Bashir, who was charged with

murder, of aiding and abetting suicide, and inciting and counselling a suicide.

After evidence from various experts and other witnesses, the judge and the barristers decided that the murder charge could not stand and the first and third charges were dropped. Bashir was then tried for "aiding and abetting" Towler's suicide.

Most of the 53-minute documentary was taken up with the jury room deliberations, with exchanges on evidence and a range of confused views on suicide, euthanasia and other questions. These discussions were not particularly informative but the jurors took the exercise seriously and there were some tense moments. In the end, one jury gave a "not guilty" verdict; the other was split and failed to reach a decision.

Ziegler's film could have been interesting and worthwhile. Australian law forbids any discussion or recording of jury room deliberations, so the possibility of providing some insight into how juries operate and reach verdicts is to be welcomed. But instead of using the opportunity to enlighten viewers, *Secrets of the Jury Room*, approached the issue on the most superficial level. Moreover, it provided no historical background on the jury system.

Although there are conflicting views over the origins of the English jury system, with some historians arguing that its role in criminal justice began some time in the twelfth century, the development of the modern jury represented a major advance over "trial by ordeal" and other irrational and anti-democratic methods that previously prevailed.

While the jury system is a vital component of modern law and democratic rights, it is coming under increasing attack. Right-wing elements argue that juries are "irrational" because they are no longer representative of the whole community and that ordinary people are ignorant of the finer points of law. Therefore the jury system, they claim, should be scrapped and replaced by summary judgment or similar methods.

While Ziegler may disagree with these positions, her film does little to counter them. In fact, *Secrets of the Jury Room* owes more to reality television, where raw emotions and the lowest common denominator generally prevails. This approach is grist to the mill for the jury system's opponents. Nor does the film indicate that the confusions, prejudices and other factors that may influence jury verdicts are not simply the product of isolated individuals. If juries are dominated by prejudices which deflect them from an objective examination of the evidence, the problem lies not with the jury system, but the society itself.

Directed by Claude Gonzalez, *Sydney at War—The Untold Story*, examines the Japanese attack on Sydney Harbour on May 31, 1942, during World War II—the first-ever documentary on this little-known event. Twenty-one Australian sailors and six Japanese submariners lost their lives in the failed, and strategically pointless, military attack.

The film contained a number of poignant interviews with relatives of the Japanese military personnel involved in the suicide mission and Australian witnesses, including sailor survivors of the ferry sunk by Japanese torpedoes.

The sister of a Japanese mini-submarine pilots read the last letter sent by her 24-year-old brother, Masao Tsuzuku, written just as he was about to embark on the mission. While declaring his readiness to die for the Emperor, he also wondered, “What kind of brother I am to you”. “If you feel lost in the future, think of me for encouragement and try your best”.

The film, which included newsreel footage, exposed how Australian defence forces were ill-equipped and unprepared for the attack. One Australian sailor who survived a minisub torpedo attack on a Sydney ferry, indicated some of the difficulties endured by rank and file defence personal. He explained that conditions were so bad that he deserted his post for several months.

Gonzalez, who approached his subject matter with sensitivity, provided a small glimpse of wartime life. A former Japanese officer made a passing reference to the “White Australia” policy—Australia’s anti-Asian immigration policy—indicating that Japanese authorities used it to justify their attack on Australia. Unfortunately this is not explored. Overall *Sydney at War—The Untold Story* avoided making any clear political generalisations about the event or the war itself.

Who Was Evelyn Orcher? directed by Ivan Sen, is a moving story about the director’s aunt. Orcher was a member of the “stolen generation”—the name given to the thousands of Aboriginal children of mixed race parentage abducted from their families and placed in settlements by Australian government authorities during most of the twentieth century.

The aim of this cruel and reactionary government policy, officially known as “assimilation”, was to “breed out” the Aboriginal race. Between 1900 and 1971 over 30,000 young Aborigines were taken from their families. Those who survived this inhumane treatment were psychologically scarred for life, with few ever regaining contact with their natural families.

Orcher was abducted from her NSW country home in 1949 and placed in a mental institution. Government authorities told the 14-year-old girl that they were taking her to the dentist and no explanation was ever given to her family.

The young girl, who had never displayed any psychological problems, lost contact with her mother and siblings for the next 31 years. In 1979 she appeared on a national television program and was recognised by one of her nieces, who contacted the television network and then visited her.

Emotional reunions followed but she was unable to fully integrate herself into family life and decided to return to the mental institution, visiting relatives for occasional weekends and annual vacation. She died in 1997, her close relatives only hearing later about her passing. Orcher’s tragic story is retold through intimate family interviews and comments from her friends in the institution where she spent the greater part of her life.

Director Ivan Sen, whose prize-winning first feature *Beneath Clouds* (2003) deals with a young unemployed Aborigine in rural New South Wales, is an experienced filmmaker. Unfortunately *Who Was Evelyn Orcher?* had a self-consciously amateurish feel, which weakened its emotional power.

Perhaps Sen is influenced by the Dogma 95 group, which rejects the use of tripods and other “artificial” cinematic methods. Pioneered by Danish director Lars von Trier, Dogma 95 claim that their approach produces more artistically penetrating and personal films. Not surprisingly this sort posturing has had a deleterious impact on some young filmmakers.

Whether Sen subscribes to Dogma 95 methods or not there were far too many rough edits and bumpy hand-held camera work. The old family photos of Orcher could have been presented more effectively, which would have helped to provide a more complete portrait of her life.

Most importantly, *Who Was Evelyn Orcher?* would have been strengthened if it had explained the broader impact and aims of “assimilation” and the callous response to the victims by current Australian governments, state and federal. The brief reference to the policy as part of the closing credits was inadequate and did little to educate international audiences unfamiliar with this dark chapter in Australian history.

Anthem, directed by Tahir Cambis and Helen Newman, is a confused and frustrating work. According to festival publicity notes, the 90-minute documentary, which is planned for release prior to the forthcoming Australian elections, “is a free-wheeling expansive study of democracy, western civilisation and the relationship between America and Australia.” The film “doesn’t just shake the fence,” the notes continue, “it completely destroys it.” This is nonsense.

The filmmakers are obviously concerned about attacks on democratic rights, mandatory detention of asylum seekers in Australia, the US-led invasions of Iraq and Afghanistan and a range of other issues too numerous to mention. But their film only conveys their anger and confusion. No serious political analysis is ever provided in the film, which takes the form of a rambling four-year video diary narrated by Cambis and Newman as they visit Iraq, Afghanistan and the US, and join various protests in Australia.

Anthem includes shots of US Army officers roughing up foreign journalists in Baghdad, the suicide of a Pacific Islander at an Australian immigration detention centre and interviews with asylum seekers and families whose sons or daughters were killed in terrorist attacks on the World Trade Centre and in Bali. But instead of probing these issues with any political depth, the film flits from one event to the next, unable to go beyond a breathless “left” radical commentary. There is footage of Cambis smoking a cigar on the roof of an Australian immigration detention centre during one demonstration; Newman is later shown defying Afghan traditions by dancing at a Kabul party, and so on.

This superficiality leads Cambis and Newman into dangerous territory. In Afghanistan they establish a relationship with Jack Idema, a former US Green Beret and well-known right-wing extremist. The notorious Idema, who was jailed in America during the 1990s for illegal wiretapping, was directly involved in the US military attack on Afghanistan, providing military advice to the Northern Alliance forces.

This seems to be of little consequence to the filmmakers, who renew their relationship with Idema a few months later in the US, where they introduce him to a New York woman whose son died in the September 11, 2001 terrorist attack, as if the two Americans have something in common. It’s difficult to believe that Cambis and Newman could be so naïve or stupid. Whatever the case, this sort of adventurism undermines any credibility the film might have had.

Three weeks after *Anthem* was premiered at the film festival, Idema and two other American “soldiers of fortune” were arrested in Kabul after a shootout with Afghan police. The Americans had established their own private prison and torture chamber, and with NATO troop assistance were seizing Afghans they claimed were Taliban or Al Qaeda supporters in order to collect the large cash bounties offered by Washington.

New lightweight digital video technology has made it possible for almost anyone to make documentaries. But these advances are no substitute for political clarity. While the issues touched on by *Anthem* must be examined the film doesn’t even begin the process.

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