



FACT SHEET 1

The Powers, Functions and Operation of the Office of Film and Literature Classification

The Office of Film and Literature Classification (the Classification Office) was established by the Films, Videos, and Publications Classification Act 1993 (the Act). The Classification Office opened in October 1994.

Who makes up the Classification Office?

The Classification Office is made up of the following:

- The Chief Censor of Film and Literature
- The Deputy Chief Censor of Film and Literature
- A team of Classification Officers
- An Information Unit, which is responsible for:
 - providing research services to the Classification Office
 - disseminating information to the public
 - dealing with complaints and inquiries
- A team of technicians, projectionists and administration staff that assist the work of the classification and information staff.

What does the Classification Office do?

The Classification Office is responsible for the classification of publications that are likely to require restriction or which may be objectionable. The Classification Office can also impose display conditions on restricted publications if it considers this necessary.

The Classification Office is deemed to exercise expert judgement in respect of

determining whether or not a publication is objectionable. Decisions made by the Classification Office may be used as proof of a publication's status in a New Zealand court of law.

The Information Unit of the Classification Office informs and liaises with the public on censorship matters. It provides a complaints and inquiries service so that you can have your say on censorship and conducts research into the views of New Zealanders.

What is a classification?

A classification is a legal statement about the persons to whom a publication may be made available.

Classifications are legally enforceable. You can be prosecuted if you do not comply with the conditions imposed by a classification. For example, it is illegal to make available a video that is restricted to persons 18 years of age and over, to anyone under that age.

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What types of publications can the Office classify?

The Classification Office can classify anything that fits the definition of a publication.

The legal definition of a publication is:

- “(a) Any film, book, sound recording, picture, newspaper, photograph, photographic negative, photographic plate, or photographic slide;
- (b) Any print or writing;
- (c) Any paper or other thing -
- (i) That has printed or impressed upon it, or otherwise shown upon it, any word, statement, sign or representation; or
 - (ii) On which is recorded or stored any information that, by the use of any computer or other electronic device, is capable of being reproduced or shown as any word, statement, sign or representation.”

Because of this broad definition, the Classification Office deals with a very wide range of publications, including films, videos, DVDs, computer discs, computer and console games, CD-ROMs, T-shirts, posters, playing cards and photographs. The definition does not cover websites hosted outside of New Zealand but it does cover digital information downloaded onto a computer in New Zealand or copied to a disk.

The Classification Office is not responsible for all mediums. Broadcasting, telecommunications and satellite transmissions are covered by other legislation.

Most often the Classification Office deals with publications that fit the definition of a film. This is because most films require labelling before they are supplied to the public. The Classification Office decides on the classification of all restricted level films. Another organisation, the Labelling Body, decides on the ratings for all the unrestricted level films.

Publications that do not fit the definition of a film do not need to be rated or classified before they are supplied to the public, but other than this, they must comply with the law.

The legal definition of a film is:

“A cinematograph film, a video recording and any other material record of moving visual images that is capable of being used for the subsequent display of those images; and includes any part of any film, and any copy or part of a copy of the whole or any part of the film.”

The definition of a film is also very broad and includes a wide range of moving image publications including films, videos, DVDs and computer and console games.

What classifications can the Classification Office assign?

After examining a publication the Classification Office can assign one of the following types of classification:

- (a) Unrestricted; or
- (b) Objectionable; or



- (c) Objectionable except in one or more of the following circumstances:
- (i) If the availability of the publication is restricted to persons who have attained a specified age:
 - (ii) If the availability of the publication is restricted to specified persons or classes of persons:
 - (iii) If the publication is used for one or more specified purposes.

The classifications in category c are referred to as restricted classifications. Familiar examples of these are R16 or R18 classifications. These are examples of restrictions made under c(i) as they restrict access to the publication to people over a specified age. Another example is restricting a film to screening at a film festival or to people who are enrolled in a tertiary media or film studies course. These are examples of restrictions under c(ii) and (iii). Sometimes restrictions under c(i), (ii) and (iii) are combined.

How does the Office decide on the classification?

Section 3 of the Act lists the criteria the Classification Office must consider when classifying a publication.

Section 3 defines an objectionable publication as one that “describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.” The content of a publication must deal with one of these five matters before the Office can classify it.

The Act deems the availability of certain publications to be injurious to the public good. These publications are ones that promote or support, or tend to promote or support, the sexual exploitation of children, sexual violence or coercion, acts of torture or extreme violence, bestiality, necrophilia, urophilia or coprophilia. If the Office considers that a publication tends to promote or support these acts then the Office will classify that publication as objectionable. If it does not, it will proceed with the consideration of a range of other criteria set down in the law.

The Classification Office must give particular weight to the manner, extent and degree to which the publication describes, depicts or deals with certain matters. These include torture, physical cruelty, acts of physical violence, sexual conduct with or by children, acts of a degrading, dehumanising or demeaning character, or which represent a particular class of persons as inherently inferior.

The Classification Office must also take into account some general criteria about the publication and its likely use and impact. These criteria are:

- (a) The dominant effect of the publication as a whole,
- (b) The impact of the medium in which the publication is presented,
- (c) The character of the publication, including any merit, value, or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, or other matters,
- (d) The persons, classes of persons, or age groups of persons to whom the publication is intended or is likely to be made available,
- (e) The purposes for which the publication is intended to be used,
- (f) Any other relevant circumstances relating to the intended or likely use of the publication.

In the case of films, the soundtrack must also be taken into account.

How does the Office regulate the display of publications?

The Classification Office can impose display conditions on any restricted publication and some of its advertising material, if it considers that the public display of the publication is likely to cause offence to reasonable members of the public.

The Classification Office can limit the display of a publication to certain premises or parts of premises set aside for restricted publications, or even limit them to being shown to people on request. These conditions are especially relevant to videos and DVDs.

Most often this is because the advertising material has images or text that might cause offence, but sometimes display conditions are imposed on these publications because their title is likely to offend.

In the case of publications like magazines, display conditions may require that they are supplied in sealed packaging because their content is likely to offend. The Classification Office can also require that the packaging is opaque if the cover itself is offensive. In the case of magazines and similar publications, the Classification Office may require the publication to carry a label showing its classification. The Classification Office does not have to do this for films because by law they must carry a label unless they are exempt.

How do I find out more about the Classification Office?

If you need more information about the functions, powers and operation of the Classification Office, contact the Information Unit at:

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