



OFFICE OF FILM
& LITERATURE
CLASSIFICATION

Te Tari Whakarōpū Tukuata, Tubitubinga

Information Sheet 1

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

Introduction

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.

The Classification Office is made up of the following people:

- the Chief Censor of Film and Literature
- the Deputy Chief Censor of Film and Literature
- a team of Classification Officers
- an Information Unit
- a team of technicians, projectionist, and administration staff who assist the work of the classification and information staff.

A classification is a legal statement about the persons to whom a publication may be made available. As such, classifications are legally enforceable. People can be prosecuted if they do not comply with the conditions imposed by a classification. For example, it is illegal to make a DVD that is restricted to persons 18 years of age and over available to anyone under that age.

What the Classification Office does

The Classification Office is responsible for the classification of publications that are likely to require restriction or which may be objectionable (banned). The Classification Office can also impose display conditions on restricted publications. 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 the public about censorship matters. It provides a complaint and inquiries service, and conducts research into the views of New Zealanders about classification matters.

Publications the Classification Office deals with

The Classification Office can classify anything that fits the definition of a publication in the Films, Videos, and Publications Classification Act 1993.

The legal definition of a publication in the Act is:

- a) any film, book, sound recording, picture, newspaper, photograph, photographic negative, photographic plate, or photographic slide
- b) any print or writing
- c) a paper or other thing that has printed or impressed upon it, or
- d) otherwise shown upon it, 1 or more (or a combination of 1 or more) images, representations, signs, statements, or words
- e) a thing (including, but not limited to, a disc, or an electronic or computer file) on which is recorded or stored information that, by the use of a computer or other electronic device, is capable of being reproduced or shown as 1 or more (or a combination of 1 or more) images, representations, signs, statements, or words

Because of this definition, the Classification Office deals with a very wide range of publications including films, videos, DVDs, computer files, files from the internet, games, CD-ROMs, photographs, books and magazines, and such things as t-shirts, posters, playing cards and billboards.

Most often the Classification Office deals with films. This is because films usually require labelling before they are supplied to the public. The Classification Office decides on the classification of all restricted level films. Another organisation, the Film and Video Labelling Body, decides on the ratings for all 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, however, they must still comply with the law. (See *Information Sheet 5: Classification Legislation*)

The legal definition of a film is:

a cinematograph film, a video recording, and any other material record of visual moving 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 includes a wide range of moving image publications: films, videos, DVDs, and computer and console games.



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Classifications

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

- a) unrestricted
- b) objectionable (banned)
- 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 not exceeding 18 years
 - 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 (c) are referred to as restricted classifications. Familiar examples of these are R16 or R18 which are examples of restrictions made under (c)(i) as they restrict access to the publication to people over a specified age. Examples of restrictions under (c)(ii) and (iii) are restricting a film to screening at a film festival or to people who are enrolled in a tertiary media or film studies course. Sometimes restrictions under (c)(i), (ii) and (iii) are combined.

Criteria for classifying a publication

Section 3 of the Act 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 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:

- a) the exploitation of children, or young persons, or both, for sexual purposes; or
- b) the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct; or
- c) sexual conduct with or upon the body of a dead person; or
- d) the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct; or
- e) bestiality; or
- f) acts of torture or the infliction of extreme violence or extreme cruelty.

If the Classification Office considers that a publication promotes or supports these acts then it will classify the publication as

objectionable (banned). If a publication contains any of these activities but does not appear to promote or support them, further classification criteria are considered and the publication may be restricted in some way – refer to *Information Sheet 5: Classification Legislation*.

Where film is concerned, the content of the soundtrack and its relationship to the film must also be taken into account.

The Classification Office can age restrict, but not ban, publications that contain highly offensive language, and publications that deal with particular subject matter that would, if not restricted to persons who have attained a specified age, be likely to be injurious to the public good for any or all of the following reasons:

- a) cause persons under the specified age to be greatly disturbed or shocked; or
- b) increase significantly the risk of persons under the specified age killing, or causing serious harm to, themselves, others, or both; or
- c) encourage persons under the specified age to treat or regard themselves, others, or both, as degraded or dehumanised or demeaned.

Regulating the display of publications

The Classification Office can impose display conditions on any restricted publication and its related advertising material if it considers that public display is likely to cause offence to reasonable members of the public. For example, the Classification Office can limit the display of a publication to certain premises or parts of premises set aside for restricted publications, or require a publication to be shown only to people who request it. Display conditions may require that books, magazines or DVDs be in sealed packaging and/or that packaging is opaque.

For display purposes, from 2005 onwards, all restricted publications offered to the public must carry an official label which specifies the restriction.

Contact information

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

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