



OFFICE OF FILM
& LITERATURE
CLASSIFICATION

Te Tari Whakarōpū Tukuata, Tubitubinga

Information Sheet 2

Censorship: Having Your Say

Introduction

Public participation is an important aspect of the censorship process. People have the right to complain about, or comment on, the classification of publications. They can also apply to have publications classified, although there is a fee for this.

Several different agencies are involved in maintaining the classification system in New Zealand, so the best organisation to contact can vary depending on the nature of your inquiry.

This information sheet covers:

- how people can comment on the classification system
- how to submit publications to the Office of Film and Literature Classification (the Classification Office)
- how to appeal a decision of the Classification Office
- the enforcement of censorship law
- how to seek an amendment to the legislation.

Making an inquiry or complaint

The Information Unit of the Classification Office deals with inquiries, complaints, and comments about the classification system, and provides information on the work of the Classification Office. Contact details for the Information Unit are at the end of this sheet.

Getting a publication classified

– member of the public

The Classification Office classifies publications that are likely to require restriction or which may be objectionable. When something is classified objectionable, it is banned. The Classification Office can also impose display conditions on restricted publications.

The Films, Videos, and Publications Classification Act 1993 (the Act), under section 13(1)(c), gives any member of the public the right to submit a publication to the Classification Office by seeking the leave of the Chief Censor to do so. There is a reduced fee of \$25 for members of the public and organisations without a financial interest in a publication. See *Information Sheet 3: Fees for Getting a Publication Classified*.

Applications to the Chief Censor for leave to submit a publication for classification must be made on the correct form and be accompanied by a \$25 fee. Forms can be downloaded from www.censorship.govt.nz or obtained from the Information Unit. Applicants should try to provide a copy of the publication that they want classified. If this is not possible, the Classification Office will try to obtain a copy. If a copy cannot be sourced, the application will lapse. If an application lapses, any fees paid will be refunded.

When the Chief Censor grants leave for an application to proceed, the Classification Office may require that certain interested parties be given the opportunity to make a written submission on the classification of the publication, for example, the owner, maker, distributor, or publisher of the publication. The applicant may also be directed to notify any other person or groups, or to publicise the submission. The applicant will be advised how to do this. The people or groups to be notified are determined by the Chief Censor on a case by case basis.

– commercial applicants

Applicants with a commercial interest in wishing to submit a publication other than a film for classification, also apply under section 13(1)(c) of the Act. However, they pay a higher fee.

For more information about having a publication classified, consult the Classification Office's website www.censorship.govt.nz or contact the Information Unit.

Having a classification decision reviewed

It is possible to seek a review of a classification decision by applying to the Secretary for Internal Affairs for leave to have the publication considered by the **Film and Literature Board of Review**.

Applications must be lodged with the Secretary for Internal Affairs within 20 working days of the classification decision being published by the Classification Office. Applications must be made on the required form and accompanied by the required fee. Fees vary depending on the publication type and the applicant's reasons for seeking a review. See *Information Sheet 3: Fees for Getting a Publication Classified*.



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The Board of Review is administered by the Department of Internal Affairs. Its contact details are:

The Secretary
Film and Literature Board of Review
Department of Internal Affairs
PO Box 805
Wellington 6140
Ph: +64 9 495 7200
Fax: +64 9 495 7222
Freephone: 0800 257 887

Enforcement

Three agencies are involved in the enforcement of censorship law.

- » The **Censorship Compliance Unit** of the Department of Internal Affairs is responsible for enforcing and monitoring compliance with the Act. The Unit has Inspectors of Publications based in Auckland, Wellington, and Christchurch.

The Unit investigates complaints and can prosecute people for offences which relate to the labelling of publications and their display, and the manufacture, supply, distribution, advertising and exhibition of objectionable and restricted publications.

Contact the Censorship Compliance Unit by email at censorship@dia.govt.nz, or freephone 0800 257 887.

- » **New Zealand Customs** is responsible for ensuring that material imported into New Zealand complies with the law. The Customs and Excise Act 1996 prohibits the importation of objectionable publications.

Customs Officers seize publications which they consider to be objectionable. Material seized may be referred to the Classification Office for a classification decision. When a publication is seized, Customs will notify the owner if it is submitted for classification.

For information regarding a publication seized by the New Zealand Customs Service or an inquiry regarding importation,

contact the nearest Customs office, or email feedback@customs.govt.nz, or freephone 0800 428 786.

- » The **New Zealand Police** are also Inspectors of Publications under the Act. This means that they have the same powers as the Censorship Compliance Unit inspectors. Consult your local telephone book for police contact numbers in your area or the police website contacts page <http://www.police.govt.nz/contact/report-crime.html>

Seeking an amendment to the legislation

The **Ministry of Justice** administers the Films, Videos, and Publications Classification Act 1993. It is responsible for amendments to the legislation. Inquiries about amendments to the Act should be directed to a Member of Parliament or the Ministry. Contact the Ministry by email at reception@justice.govt.nz, or phone 04 918 8800.

Contact information

For more information about having your say, contact the Information Unit at:

Office of Film and Literature Classification
PO Box 1999
WELLINGTON 6140

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Website: www.copyright.govt.nz