



**OFFICE OF FILM
& LITERATURE
CLASSIFICATION**

Te Tari Whakarōpū Tukuata, Tuhituhinga

Policy Advice No. 1

Electronic Games

The terms “electronic games” and “computer games” (games) do not appear in the Films, Videos, and Publications Classification Act 1993 (the Act). Console games include PlayStation, PlayStation 2, X Box, X Box 360, Nintendo and Dreamcast. Computer games are those that are played on either a PC platform or an Apple MacIntosh platform.

Games fall under the definition of films and the Act requires that films intended for supply to the public must be labelled. However, section 8(1)(q) of the Act exempts games from labelling unless they are likely to be restricted. The onus is on the distributor, retailer or exhibitor to ensure compliance with the law and specifically to ensure that restricted level games are classified before being marketed. Accordingly games that are not exempt should first be submitted to the Film and Video Labelling Body Inc (the Labelling Body). The Labelling Body (details are provided below) acts as an agent for commercial suppliers who wish to submit material to the Office for classification.

While the Government has been considering amending the legislation to take account of technology such as this, the Office is required to operate under the existing law. In accordance with this and until the legislation is amended, the Office advises that a game will be classified on the basis that the Office needs to view enough of the game to be satisfied that the publication warrants a particular classification. A substantial portion of the game will be examined.

The following procedure should be followed when submitting a game:

1. The applicant is required to take all reasonable steps to submit material with the game that will enable the Office to examine it efficiently. Such material could include a video recording of the parts of the game most likely to attract attention under the Act, cheat sheets, and if possible an expert player.
2. The Office will examine the game for five hours.
3. The Office will then advise the applicant after five hours of examination if additional examination time is required to enable the Office to classify the game. The applicant will then notify the Office in writing if it will pay for additional examination time, or withdraw the game.
4. If at the end of the examination, the Office is unable to classify the game, the Office will cease examination, notify the applicant and advise the applicant to withdraw the publication. If the Office is able to classify the game, the classification decision will be issued.

The Office expects that it will be able to classify all games submitted with the assistance of extra material as outlined in paragraph 1 above.

Forms for submitting publications under section 12 are available from the Labelling Body. Each application should be submitted on a separate form and a separate application should be made for each game.

The Labelling Body may be contacted at the following address:
The Film and Video Labelling Body Inc
PO Box 2627
AUCKLAND
Ph. (09) 361-3882 Fax. (09) 360-1135 or (09) 360-3448

What will it cost?

The fees for classifying publications are set down in the Films, Videos, and Publications Classification (Fees) Regulations 1993. Electronic games have a specified base fee of \$1,400, plus an additional fee of \$100 per hour or part of an hour for time in excess of 5 hours spent examining the electronic game. All fees are GST inclusive.

What information do you have to provide?

- A completed section 12 form additional information and appropriate fee

- A statutory declaration

You must provide a statutory declaration with each game you submit. This statutory declaration must list all elements, that is every item or file on the publication and state that the full contents are as listed. Where this statutory declaration exceeds one page in length, the pages must be numbered (the first page should state the total number of pages in the statutory declaration). The statutory declaration must be signed. Where it exceeds one page, each page must be signed.

- Any additional information that will assist the Office to examine the electronic game (see 1 above).

Last updated 26 April 2006.

Office of Film and Literature Classification
4th Floor, BP House
20 Customhouse Quay
PO Box 1999
WELLINGTON
NEW ZEALAND
Phone: 04-471 6770
Facsimile: 04-471 6781
email: information@copyright.govt.nz
www.copyright.govt.nz