

Plain English guide to offence provisions in the Films, Videos, and Publications Classification Act 1993 and its Regulations (2026 update)

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INTRODUCTION

This document is a plain English guide to the offence provisions within the *Films, Videos, and Publications Classification Act 1993* to which penalties may apply, and includes some provisions which clarify when and how these offences and penalties may apply.

This information is for general understanding and awareness. It is not legal advice. The Classification Office has a role of providing public information about the New Zealand classification system, but it is not a prosecution agency, nor is it responsible for the policy related to the offences and penalties contained within the legislation. Requests for information about individual prosecutions or the policy considerations should be made to the relevant agencies.

This document does not include every offence provision within the legislation. The [Offence Provisions](#) in full can be read on the New Zealand Government's legislation website: www.legislation.govt.nz. For further information about the Classification Act as a whole, please [contact](#) Te Mana Whakaatu – Classification Office.

DEFINITIONS

Objectionable publication means:

- A publication containing banned material according to the classification criteria in [section 3](#) of the *Films, Videos and Publications Classification Act 1993*.
- A publication which has been banned by the Classification Office (or a previous New Zealand classification body).

Restricted publication means:

- A publication containing restricted material according to the classification criteria in [section 3](#), [section 3A](#), and [section 3B](#) of the *Films, Videos and Publications Classification Act 1993*.
- A publication which has been classified as restricted by the Classification Office (or a previous New Zealand classification body) – eg. an R16 or R18 film.

Link to section	Subject	Offence	Penalty
AGE RESTRICTIONS			
125	Supplying/exhibiting in breach of classification without knowledge	It is an offence to supply, distribute, exhibit, or display a publication contrary to its classification, or to allow another person to do this. <i>These penalties apply when someone is unaware it's restricted</i>	Individual: fine up to \$3,000 Organisation: fine up to \$10,000
126	Supplying/exhibiting in breach of classification or likely restriction <i>with knowledge</i>	It is an offence to supply, distribute, exhibit, or display a publication contrary to its classification <i>or likely restriction</i> (e.g. dairy owner selling explicit magazine to under 18s); or to allow another person to do this (e.g. retailer selling a restricted game to a parent knowing the parent will give it to children). <i>These penalties apply when someone is aware it's restricted</i>	Individual: imprisonment up to 3 months or fine up to \$10,000 Organisation: fine up to \$25,000
OBJECTIONABLE MATERIAL			
131	Possessing objectionable publications <i>without knowledge</i>	It is an offence to possess* an objectionable publication. <i>These penalties apply when someone is unaware it's objectionable</i> * 'Possession' can include viewing an objectionable publication online, even if someone does not intentionally or knowingly save/download a copy of the publication. (Specific exemptions apply for officials in relation to official duties: s 131(4).) (It is a defence if a defendant can prove they possessed the publication in good faith for a specified purpose: s 131(5).)	Individual: fine up to \$2,000 Organisation: fine up to \$5,000
131A	Possessing objectionable publications <i>with knowledge</i>	It is an offence to possess* an objectionable publication. <i>These penalties apply when someone is aware it's objectionable</i> * 'Possession' can include viewing an objectionable publication online, even if someone does not intentionally or knowingly save/download a copy of the publication. (Specific exemptions apply for officials in relation to official duties: s 131(4).)	Individual: imprisonment up to 10 years or fine up to \$50,000 Organisation: fine up to \$100,000

Link to section	Subject	Offence	Penalty
123	Making/distributing/exhibiting etc. objectionable publications <i>without knowledge</i>	It is an offence to make, supply or distribute an objectionable publication; or to import, export, copy or possess such a publication for the purpose of supply or distribution. It is also an offence to display or exhibit an objectionable publication in expectation of payment or other gain. <i>These penalties apply when someone is unaware it's objectionable</i> (Specific exemptions apply for officials in relation to official duties: s 124A.)	Individual: fine up to \$10,000 Organisation: fine up to \$30,000
124	Making/distributing/exhibiting etc. objectionable publications <i>with knowledge</i>	It is an offence to make, supply or distribute an objectionable publication; or to import, export, copy or possess such a publication for the purpose of supply or distribution. It is also an offence to display or exhibit an objectionable publication in expectation of payment or other gain. <i>These penalties apply when someone is aware it's objectionable</i> (Specific exemptions apply for officials in relation to official duties: s 124A.)	Individual: imprisonment up to 14 years Organisation: fine up to \$200,000
127 (1)-(3)	Displaying/exhibiting objectionable publications to under 18s <i>without knowledge</i>	It is an offence to display or exhibit an objectionable publication to someone under 18. <i>These penalties apply when someone is unaware it's objectionable</i>	Individual: fine up to \$10,000 Organisation: fine up to \$30,000
127 (4)-(5)	Displaying/exhibiting objectionable publications to under 18s <i>with knowledge</i>	It is an offence to display or exhibit an objectionable publication to someone under 18. <i>These penalties apply when someone is aware it's objectionable</i>	Individual: imprisonment up to 10 years Organisation: fine up to \$200,000
129 (1)-(2A)	Publicly exhibiting/displaying objectionable publications	It is an offence to exhibit or display an objectionable publication in or within view of a public place. <i>These penalties apply whether or not someone is aware it's objectionable</i>	Individual: fine up to \$10,000 Organisation: fine up to \$30,000
129 (3)-(4)	Publicly distributing objectionable publications	It is an offence to distribute an objectionable publication to people in a public place. <i>These penalties apply when someone is aware it's objectionable</i>	Individual: imprisonment up to 1 year or fine up to \$20,000 Organisation: fine up to \$50,000
132	Exhibiting an objectionable <i>part</i> of a non-objectionable publication	It is an offence to exhibit only part of a non-objectionable or restricted publication if that part would be objectionable in itself when taken out of context.	<i>Penalties in the following offence provisions may apply: 123, 124, 127, 129</i>

132C	Livestreaming objectionable content or sharing objectionable livestreamed content	It is an offence to livestream objectionable content. It is an offence to share objectionable content or information about how to access objectionable content while it is being livestreamed, with the intention to promote or encourage criminal acts or acts of terrorism. <i>These penalties apply when someone is aware it's objectionable</i>	Individual: imprisonment up to 14 years Organisation: fine up to \$200,000
138	Liability of employers and others in a role of authority	An employer (or other person in a role of authority using someone as an agent) may be held liable if their employee or agent supplies, distributes, displays, exhibits, advertises or makes available an objectionable publication. <i>These may apply whether or not an employer/other person in a role of authority is aware of the illegal action of an employee/agent, unless they can prove reasonable steps were taken to prevent the illegal action taking place.</i>	<i>Penalties in the following offence provisions may apply:</i> 123, 124, 127, 129, 132
132A & 132B	Aggravating factors in sentencing / presumption of imprisonment for repeat offenders	When sentencing for offences involving objectionable publications, Courts must take into account as an aggravating factor* whether and to what extent the objectionable publications deal with sexual material involving children or young people. There is to be a presumption of imprisonment when sentencing for repeat offences involving objectionable publications that deal with sexual material involving children or young people. In these cases the Courts must refer to OFLC decisions and reports of findings, and to Board of Review decisions. * An 'aggravating factor' is something that may increase a sentence.	<i>These sentencing provisions apply to the following offences (when someone is aware it's objectionable):</i> Sections 124(1), 127(4), 129(3), 131A(1) of the Classification Act and 390 of the Customs and Excise Act 2018
145A	Offences committed in other countries	New Zealanders who commit offences relating to child sexual abuse material overseas can be charged in New Zealand.	<i>Penalties in the following offence provisions may apply (when someone is aware it's objectionable):</i> Sections 124(1), 127(4), 129(3), 131A(1) of the Classification Act and 390 of the Customs and Excise Act 2018

Link to section	Subject	Offence	Penalty
CLASSIFICATION LABELS			
120	Non-compliance with labelling requirements for films	It is an offence to supply, exhibit or make available a film without a classification label or with an incorrect classification label. It is an offence to exhibit a film without publicly displaying the contents of its classification label in the place where the film is being screened.	Individual: fine up to \$3,000 Organisation: fine up to \$10,000
120	Non-compliance with labelling requirements for film advertising	Once a film has been labelled, it is an offence to advertise that film to the public without displaying the contents of its label. This includes advertising on trailers, radio, television, newspapers, brochures, film posters etc.	Individual: fine up to \$3,000 Organisation: fine up to \$10,000
121	Unlawful issue of labels	It is an offence to issue your own labels intending to make someone believe they were legitimate labels from the FVLB or a listed commercial video on-demand provider.	Individual: fine up to \$3,000 Organisation: fine up to \$10,000
DISPLAY OF PUBLICATIONS /FILM ADVERTISING/CLASSIFICATION LABEL POSTERS			
130	Breaching display conditions (restricted material)	It is an offence to display in public a restricted publication, or advertising material for a restricted publication contrary to display conditions.	Individual: fine up to \$5,000 Organisation: fine up to \$15,000
Reg 46	Display of film advertising without approval or contrary to display conditions	It is an offence to publicly display film posters, video slicks and similar material if this advertising material has not been approved. When it has been approved, it is an offence to publicly display this advertising material contrary to display conditions.	Individual: fine up to \$2,000
Reg 46	Non-compliance with requirement to display classification label poster	It is an offence to supply or exhibit films to the public without displaying information which explains the meaning of classification labels (e.g., an official classification label poster).	Occupier of premises: fine up to \$2,000
SERIAL PUBLICATION/INTERIM RESTRICTION ORDERS			
133	Contravention of serial publication order	It is an offence not to comply with the classification and/or display conditions of a serial publication order.	Individual: fine up to \$3,000 Organisation: fine up to \$10,000
133A	Contravention of interim restriction order	It is an offence not to comply with the conditions of an interim restriction order, or to deliver a publication to another person intending that it be used in a way that does not comply with an interim restriction order. <i>These penalties apply when someone is aware of the order</i>	Individual: fine up to \$3,000 Organisation: fine up to \$10,000

Link to section	Subject	Offence	Penalty
OBSTRUCTION OF INSPECTOR			
134	Obstruction of Inspector	It is an offence to obstruct an Inspector of Publications* performing official duties. Inspectors may enter and inspect premises supplying or exhibiting films to the public, enter and search <i>any</i> premises if in possession of a search warrant, see documents relating to an investigation/inspection, and seize publications. <i>Powers of enforcement officials are outlined in Part 7 of the Classification Act</i> <i>*Under the Classification Act, Inspectors of Publications are Inspectors from the Department of Internal Affairs and police officers (except for the purposes of Part 7A).</i>	Individual: fine up to \$1,000
PRIVATE PROSECUTIONS			
144	Private prosecutions require Attorney-General's consent	Commencing a private prosecution* requires the consent of the Attorney-General for offences under sections 123 to 129 (involving objectionable or restricted publications), sections 131 and 131A (possession of objectionable publications) & sections 133 and 133A (Contravention of serial publication order or interim restriction order). <i>*'Private prosecution' is defined in section 5 of the Criminal Procedure Act 2011</i>	
TAKE-DOWN NOTICES			
119H and 119I	Enforcement of take-down notices/remedies and costs	Inspectors have the power to issue a take-down notice for an online publication to an online content host under section 119C. If an online content host fails to comply with a take-down notice, the Inspector can apply for enforcement in the District Court.	The remedies and costs that can be ordered in the District Court are set out in section 119I*. * The remedies and costs in section 119I are civil remedies. There are no criminal offence provisions for take-down notices.