

11 December 2023

By email: [REDACTED]

Tēnā koe [REDACTED],

## Official Information Act requests

Thank you for your requests under the Official Information Act 1982 (OIA), which we received on 21 November 2023.

In your first email, you said:

- Kindly explain as to why the education publish books for under 10 year olds
- 1 is not objectionable material
- 2 who is funding this project using this material
- 3 who is claiming the funds from this project
- 4 pecuniary gains by trustees and fiduciary agents shall be publicly exposed
- 5 what teachers would expose our babies to sexual explicit content without a conscience?

In your second email, you said:

There has been questions from Our indigenous peoples regarding a band on watching and sharing stuff about event on 15th March 2019 ( saw the livestream at the time and thought a poor production given my professional background and did not watch it again as it was not real to me) i am aware now people did die and i am not in any way disrespecting their lives nor their family and friends; yet the war images and the murder scenes are all out there in which i have no interest i given the band as objectionable Our overseas Counsel minute a meeting to question why and who is accountable this and why would anyone band these images considering whats out there on the internet There are people in jail for sharing a link, police are investigating for people sharing not realising its banded as i spoken to some they honestly didnt know as well as the description in your act

school books are allowed to show objectionable material but not share this link? it would be more appropriate that police actually dealt to the people involved in underage sex offending surely?  
[or is that not safe for the new Zealand government] How much is police spending on these investigations and shall we require full audits on these

events? as I heard that Detectives are now writing traffic tickets now, as money is tight?

Our international counsel is questioning this decision by your office;

as known as New Zealand government is being considered for breach if UNDRIP international law in Geneva UN and this will just add the list I suppose?

In responding to your requests, we have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

## Response to your requests

### *Objectionable books*

Books and magazine are classified using the same [criteria](#) we use to classify films, games and other publications.

If a book or magazine is classified as restricted, it is illegal to supply it to someone who is underage, and stores or libraries must also comply with any display conditions. For example, people under the age of 16 cannot read a book which is classified R16, or watch an R16 film, or play an R16 game.

If a book or magazine is classified as objectionable (banned), it is illegal for anyone to supply, import, or possess a copy of it.

### *March 15 livestream*

The March 15 livestream is classified as objectionable.

The Chief Censor at the time, David Shanks, used his legal powers to “call in” the livestream video and manifesto document for classification. During the classification process, the Classification Office applied the framework set under the Films, Videos, and Publications Act 1993 (FVPCA). We also considered the New Zealand Bill of Rights Act 1990 to ensure we found the right balance between protecting the public from harm while also protecting freedom of expression. We concluded that both publications were objectionable and should be banned.

The livestream video was deemed objectionable under [section 3\(2\)\(f\)](#) of the FVPCA. We found that it promoted or supported, or tended to promote or support, the infliction of extreme violence as well as extreme cruelty. A publication must

advance, encourage, uphold or strengthen, rather than just show, describe or deal with, torture and extreme violence or cruelty for it to be banned for this reason.

Under [section 3\(3\)\(d\)](#) of the FVPCA, publications can be determined to be objectionable if they describe, depict or deal with the promotion or encouragement of criminal acts or acts of terrorism.

Our March 15 livestream decision can be found [here](#). You can find more information about our response to the March 15 terror attacks [here](#).

### *Conflict imagery or content*

There is a large amount of content online that could be restricted or banned in New Zealand. It is not the role of the Classification Office to seek this content out so that it can be classified. However, this does not mean that publications which should be restricted or banned under the FVPCA should not be classified when they are brought to our attention.

If you find any imagery or content which shows war or conflict that you think could be illegal, you can report it to the Department of Internal Affairs (DIA) [here](#). They may submit the content to us for classification if it could be restricted or banned.

### *Sharing links to objectionable material*

DIA is responsible for enforcing New Zealand's classification law. This may include the sharing of links to objectionable material.

New Zealand Police also has a role in investigating and prosecuting offences under the FVPCA. Any queries or requests for information about Police's investigations should be directed to Police.

### *Finding out which publications are objectionable*

Our register, available [here](#), has records of every publication we have classified. Anyone can search this register to see if a publication has been banned (classified as objectionable). Under [section 29\(1\)](#) of the FVPCA, courts may refer any publication to the Classification Office for classification if it may be objectionable, and if this is relevant to a case.

## **Publication of response**

This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

## Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response under [section 28\(3\) of the OIA](#). Information about this process is available at [ombudsman.parliament.nz](http://ombudsman.parliament.nz) or freephone 0800 802 602.

Thank you for your interest in our mahi.

Ngā mihi nui,  
Te Mana Whakaatu—Classification Office