

INFORMATION SHEET

Guidelines for making a written submission about a classification



Introduction

The Classification Office may consider written submissions from interested parties when it classifies a publication that has been submitted to it by the Secretary for Internal Affairs, the Commissioner of Police, the Comptroller of Customs, the Courts, or a member of the public.

Written submissions give the Classification Office an opportunity to find out the interested party's opinion about how a particular publication should be classified.

Who can make a written submission

There are three groups of people who typically make, or are invited to make, written submissions about a publication's classification:

- Any person who submits a publication for classification; any party to a proceeding in respect of which a Court has referred a publication to the Classification Office; and the Secretary for Internal Affairs.
- The Chief Censor may determine that particular persons should be given notice that a publication has been submitted for classification and invite them to make a submission on its classification. Such persons would typically include the owner, maker, distributor, and publisher of the publication.
- Other persons may ask the Chief Censor for permission to make a written submission about the classification of a publication but must satisfy the Chief Censor that they are likely to be affected by the publication's classification.

Regardless of which group you belong to, the Classification Office will notify you in writing of your right to make a written submission.

What to include in a written submission

A written submission is an opportunity to tell us why you think a particular publication should be classified as unrestricted, restricted, or objectionable (banned). Written submissions are considered as part of the classification decision-making process.

In preparing your submission it might be helpful to consider the relevant criteria that the Classification Office applies in sections

3, 3A, 3B, 3C and 3D of the Films, Videos, and Publications Classification Act 1993. It must also weigh its decision against the right to freedom of expression in the New Zealand Bill of Rights Act 1990.

The legal criteria from these Acts of Parliament that are applied to classify a publication are reproduced in our information sheet *Classification Legislation*.

Written submissions to the Film and Literature Board of Review

If someone disagrees with a classification decision, they can seek a new decision from the Film and Literature Board of Review. The Board doesn't review the Classification Office decision, rather, it will seek submissions from interested parties and apply the Classification Act and other relevant legislation to its independent decision-making process. For more information about the Board of Review, contact the Department of Internal Affairs, www.dia.govt.nz, or phone 0800 257 887.

Time in which to prepare a submission

If you are asked to make a submission, you will be told when it is due. The date is usually 14 working days from the date of the letter notifying you of your right to make a submission. If you decide not to make a submission, we would like to know.

The Classification Office will begin classification of the publication as soon as submissions have been received, or immediately after the due date has expired, whichever date comes first.

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