

# MEDIA FACTSHEET

## How content is classified in Aotearoa New Zealand

### The role we play

Te Mana Whakaatu – Classification Office (the Office) is an independent Crown entity and media regulator operating at arm's length from central government. The Minister of Internal Affairs is responsible for managing the government's relationship with the Office.

We work to inform and empower New Zealanders to watch content in a positive way while safeguarding them from harm. Our role is changing in the digital age, but classifying content remains a core part of what we do.

We receive submissions and can call in publications that may need to be restricted or banned under the [Films, Videos, and Publications Classification Act 1993](#) (the Classification Act). We then put them through our classification process to arrive at a decision which we record in a Register. The Chief Censor also occasionally exercises their powers under the Classification Act to call in a publication for classification.

### What counts as a publication under the Classification Act?

The definition of a '[publication](#)' in the Classification Act is pretty much anything that includes video, images, sound or text, either analogue or digital, including:

- Films, content on streaming or video on-demand services, video cassettes, CDs, DVDs, hard drives or games
- Social media posts, GIFs and digital files on computers or phones, and web pages in some circumstances
- Books, newspapers, magazines, or any other print or writing
- Sound recordings
- Pictures, photographs, or anything with words, images, or symbols printed on it (over the years, we have classified items including comics, bumper stickers, emails, T-shirts and campervans).

### Calling in content and working proactively with industry

The Chief Censor occasionally exercises their powers under the Classification Act to call in a publication for classification. This happens when we identify a particular risk of harm to the public. Examples of publications that have been called in include the [Christchurch terrorist's livestream video and manifesto document](#) and the Netflix series [13 Reasons Why](#), which on release in 2017 depicted suicide in a graphic way without a clear warning.

### Oversight of online commercial video on-demand ratings and classifications

A recent law change requires major commercial video on-demand and streaming providers to show appropriate New Zealand age ratings and content warnings on-screen. The Office is responsible for approving and auditing streaming providers' self-rating systems and managing complaints.

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### How we make decisions

The Office receives publications from a number of sources: the [Film and Video Labelling Body](#), members of the public, streaming providers, enforcement officials and the courts.

When publications are submitted to us, we sometimes prioritise them according to urgency – such as a court hearing or commercial release date.

The [classification process](#) involves examining the material, considering it against criteria in the Classification Act, balancing this with the right to freedom of expression contained in section 14 of the [New Zealand Bill of Rights Act 1990](#), and then drafting a decision.

We occasionally consult with stakeholders with appropriate expertise or experience, for example, when making decisions that affect young people or which involve new technology.

The draft decision is then reviewed and affirmed by two senior classification advisors who have delegated authority to make decisions on behalf of the Chief Censor.

Once a decision has been made to classify a publication, the Classification Office gives written notice of its decision to the submitter, including the reasons for the decision and the classification given.

If the publication receives a restricted classification we may restrict the publication to certain classes of people (e.g. on the basis of age), or for a specified purpose (e.g. for scientific or artistic purposes).

Once a publication has been classified, the decision is entered into the [New Zealand Register of Classification Decisions](#) and made available on [our website](#). Where the decision relates to a commercial DVD, film or game, we then direct the FVLB to issue a classification label for physical media.

Anyone unhappy with a classification decision we've made can request a new review of the content by the [Film and Literature Board of Review](#) (provided it's a recent decision), or they may apply for a [reconsideration](#).

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### What we do, what others do

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| <p>Films, shows, games and other publications</p> | <p>Before a producer or distributor can release a film in cinemas, a DVD or a video game in New Zealand, they contact the <a href="#">Film and Video Labelling Body of New Zealand (FVLB)</a> to arrange consumer labelling. The FVLB determines an appropriate age rating (G, PG or M) and content warning note for the label. If they think the publication needs to be classified, they refer it to us.</p> <p>The Office has the responsibility to age restrict or ban publications in New Zealand that we consider to be 'objectionable' or harmful to the public good. This can also include material submitted to us by the Department of Internal Affairs, Police, Customs, and Courts. Material submitted by these agencies can include child sex abuse videos and images, and publications promoting violent extremism or terrorism.</p> <p>If an organisation or member of the public disagrees with a decision we make, they can request a fresh review of the content by the <a href="#">Film and Literature Board of Review</a>.</p> |
| <p>Broadcast media (TV and radio)</p>             | <p>The <a href="#">Broadcasting Standards Authority (BSA)</a> is responsible for ensuring that all TV and radio broadcasters operating in New Zealand follow standards for content. The BSA is also responsible for on-demand content that has also been broadcast on TV or radio.</p>   |
| <p>Harmful digital communications</p>             | <p><a href="#">Netsafe</a> is a non-profit with a focus on online safety. It provides free support, advice and education. Netsafe has the responsibility under the <a href="#">Harmful Digital Communications Act 2015</a> to help people dealing with serious or repeated bullying, harassment and abuse happening via text, emails or social media. This can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation.</p>   |
| <p>Advertising</p>                                | <p>Some forms of advertising can be classified, but in general, the advertising industry is self-regulating. The <a href="#">Advertising Standards Authority (ASA)</a> sets standards and supports an independent complaints and appeals process for adjudicating complaints about all advertisements in all media.</p>  |
| <p>Media/news content</p>                         | <p>Newspapers and magazines can be classified, but the news media generally self-regulates. The <a href="#">New Zealand Media Council (NZMC)</a> is an independent forum responsible for resolving complaints about news media and online news content across a range of platforms. This includes newspapers, magazines, certain providers of video on-demand content, online content, and digital sites with news content that are accepted as members of the Media Council.</p>  |
| <p>Department of Internal Affairs</p>             | <p>The Department is responsible for ensuring the Classification Act is enforced. For media queries, contact <a href="mailto:media@dia.govt.nz">media@dia.govt.nz</a>. Complaints can be made <a href="#">here</a>.</p>  |

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### Frequently asked questions

**What powers does the Office have to enforce its decisions?** The Office does not have an enforcement role in the classification system. Customs, the Police and Inspectors at the Department of Internal Affairs are responsible for [enforcement](#) of the Classification Act.

**What are the criteria in the Classification Act?** A publication can be restricted or banned if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty or violence, and if its unrestricted availability would be harmful to the public. More information is available on our [website](#).

**Can films and other publications be reclassified to reflect society's changing attitudes?** Yes. Previously classified publications can be [submitted for a new classification](#).

**Do you classify what's on TV?** The [Broadcasting Standards Authority \(BSA\)](#) is responsible for ensuring that all broadcasters (TV and radio) operating in New Zealand follow standards for content. TV on-demand platforms like TVNZ+ also use these standards.

**Do you classify YouTube?** We don't classify YouTube content as a matter of course but may classify particular content if it is referred to us by an enforcement agency or a member of the public.

**Who is responsible for enforcement?** Customs, Police and Inspectors at the Department of Internal Affairs are responsible for [enforcement](#) of the Classification Act.

**How do people complain?** People can phone, write or email us with complaints or inquiries about the classification system or the classification of a specific publication. Our website has our [contact details](#) and links to the websites of other media regulators.

**Can I take my baby to a restricted film?** There are no exceptions to age restrictions – it's illegal to take underage tamariki and babies to see age restricted films. However, many cinemas have special screenings just for parents and babies. Contact your local cinema for more details.

**What ID is accepted at cinemas and retailers?** Cinemas and retailers have their own policies around what forms of ID are acceptable when it comes to proving your age. School-issued student IDs are usually sufficient, but it's best to check with them beforehand.

**Are M-rated films age restricted?** No. While M-rated films indicate that the content is more suitable for older teens, it is not a legal restriction.

**Why are some films and games age restricted?** Experts say that some content can be harmful or confusing for young minds. Also, the impacts vary depending on the person. We aim to protect those who are most vulnerable – tamariki, rangatahi and those who have experienced trauma.

**How do you make your decisions?** We apply an analytical framework laid out in the Films, Videos, and Publications Classification Act 1993, balancing this at all times with the right to freedom of expression contained in section 14 of the New Zealand Bill of Rights Act. It's more complex than you might think! If you'd like to learn more, feel free to [contact us](#) for more information.