

Legal implications

Conviction for possession, creation or sharing of objectionable material could result in fines, imprisonment and/or travel restrictions.

If you have suspected banned material in your possession it will be held for further inspection. For example, when entering New Zealand, your phone or laptop may be held by Customs for further checks.

More information

You can find more information on banned material on the following websites:

Law on banned materials: www.legislation.govt.nz/act/public/1993/0094/latest/whole.html?search=ts_act_classification_rese&p=1#DLM313407

NZ Classifications Office overview of law on banned material: www.classificationoffice.govt.nz/about-nz-classification/new-zealands-classification-law/%20and%20https://www.classificationoffice.govt.nz/about-nz-classification/the-classification-criteria/

Department of Internal Affairs fact sheet on objectionable material: www.dia.govt.nz/Censorship-Objectionable-and-Restricted-Material

NZ Customs Service information for travellers: www.customs.govt.nz/arrival-search

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What can I do?

If you are concerned that you or someone else is in possession of banned material, it should be deleted. You can also contact the following for advice:

- NZ Police: www.police.govt.nz/advice/email-and-internet-safety
- Crimestoppers (Anonymously): An independent charity where you can give information on crime anonymously
0800 555 111
- Classifications Office An independent Crown Entity that makes decisions about what amounts to banned material under the Films, Videos and Publications Classification Act.
info@classificationoffice.govt.nz
or 0508 236 767
- NetSafe An independent not for profit organisation that receives, assesses and investigates complaints about online harassment, bullying and abuse:
help@netsafe.org.nz or
0508 NETSAFE (0508 638 723)



Protecting yourself from banned material online

Everyone has the right to freedom of expression and opinion in New Zealand. This applies online, including on social media platforms which are popular for exchanging information and ideas, particularly among young people.

Sharing images and video clips of violent human rights abuses online is often used as a way to raise awareness of that such abuses are taking place, particularly among people with links to countries where war and terror related violence is taking place. However, it is possible that in some cases, sharing and/or keeping such images and video clips may be illegal.

“Sharing” can include posting or even “liking” material online (such as on Facebook) and through apps like WhatsApp, Viber and Youtube etc.



Banned material

- What amounts to objectionable (banned) material is defined in section 3 of the Films, Videos and Publications Classification Act. It is a complicated definition. Decisions about what amounts to objectionable material are made by the Classification Office (New Zealand Office of Film and Literature Classification).

Objectionable material describes or shows **sex, horror, crime, cruelty, or violence** in ways that are likely to be harmful to the public. Some material is banned outright.

1. Material that is banned outright

Material that **promotes or supports** or tends to promote or support certain activities, including “acts of torture or the infliction of extreme violence or extreme cruelty” is illegal in New Zealand.

To be banned the material must do more than just *show* these acts, it must also *encourage and support* them.

2. Other material may be banned, depending on context

Other material may be banned, depending on how much it describes, or shows acts of torture, the infliction of serious physical harm, or acts of significant cruelty.

Examples of banned material

Just because material is available online, for example Youtube or Facebook, that does not mean it is not banned. The following are examples of what may be considered banned material:

- Videos of beheadings – especially if accompanied by terrorist propaganda that suggests that the beheadings are justified.
- Recruitment material or magazines that advocate violence published by known or designated terrorist organisations.
- Images or videos of graphic violence that dehumanises or degrades the victim, encourage others to inflict the same violence, or written material which encourages or provides instructions on how to commit acts of violence or terrorism.

Things to consider

The Classifications Office takes a range of factors into account including how much it:

- Describes or shows acts of **torture**, the infliction of **serious physical harm**, or acts of **significant cruelty**;
- **Degrades** or **dehumanises** or **demeans** any person; or
- Promotes or encourages **criminal acts** or acts of **terrorism**.

The Classification Office also looks at the following, balancing factors:

- **The overall effect** of the publication;
- **The medium in which it is published** (for example, whether it is printed, published on social media or uploaded to a video sharing site);
- Whether the publication has any literary, artistic, social, cultural, educational, or scientific merit, value or importance;
- Who the **intended or likely audience** is;
- The purpose or context of the publication;
- Any other relevant circumstances.