

CENSORSHIP & CLASSIFICATION OF PUBLICATIONS

A quick guide for librarians in Aotearoa - 2021

Libraries and censorship

LIANZA has endorsed and published for your help [LIANZA-Statement-on-Freedom-of-Information-2020.pdf](#)

It states that Libraries, when delivering services (in person or online) should:

- Avoid censorship and promote non-discrimination

But in doing so should:

- Adhere to the law regarding restricted and objectionable materials (as defined by the Films, Videos and Publications Act 1993), including online,
- but also engage with appropriate processes to challenge such restrictions when they believe freedom of expression is being unduly constrained.

History of Censorship in NZ

Book censorship has existed in New Zealand since at least 1858, when Customs regulations came into force that prohibited the importation of material that was considered indecent. As of September 2011, 1319 books have been banned and an additional 728 have been restricted in some way (2011).

<http://www.stuff.co.nz/editors-picks/5664782/More-than-1300-books-banned-by-censor>

Legislation in New Zealand

- The classification system in New Zealand operates under the [Films, Videos, and Publications Classification Act 1993](#). The Act regulates how films, games and other publications are classified
- The Act merged the previously separate [Indecent Publications Tribunal](#), Chief Censor of Films, and the Video Recordings Authority into a single agency
- The [Films, Videos, and Publications Classification \(Commercial Video on-Demand\) Amendment Act](#) from 2020 covers online and streaming video. Regulations to support this will be introduced in 2021.

The Act stipulates classification labelling and requirements for dealing with restrictions, and lays out penalties for non-compliance.

N.B. There is a very strong focus in NZ legislation around the protection of children, which determines what might be found "objectionable" and banned. This is quite different from international approaches.

Te Mana Whakaatu Classification Office

[Te Mana Whakaatu Classification Office \(Office of Film and Literature Classification \(OFLC\)\)](#) presides over classification of publications in New Zealand

The Classification Office has two primary functions:

- To classify publications such as films, books or computer files which may need to be restricted or banned
- To provide information about classification decisions and about the classification system as a whole

The Office is keen to work with Libraries about their responsibilities and how to inform people about censorship issues. They encourage librarians to engage with them, and make it easy for them to do so.

Libraries responsibilities

- Know if you hold any restricted or banned publications.
 - Check the [NZ Register of Classification Decisions](#).
- Comply with requirements for access, labelling, public information.
- Know the requirements and be able to explain these to customers.

What is a publication?

The definition of a 'publication' in the Classification Act includes:

- Films, video cassettes, DVDs or games.
- Computer files, or something which stores electronic data such as a CD, DVD, Blu-ray or hard drive.
- Books, newspapers, magazines, or any other print or writing.
- Sound recordings.
- Pictures, photographs, or anything with words, images, or symbols printed on it - such as a billboard, artwork or item of clothing.

What libraries must do if a book is restricted or banned

Librarians : Information for the Public : OFLC

- If your library has restricted books or magazines, you will need to manage those items to ensure underage people cannot access them.
 - No open access - you must hold them behind the counter or in a restricted access collection.
 - You must check the age of any person who wants to view or borrow the book.
 - Unless they were restricted before 2005 there must be a red restricted label with the age restriction on the book.
- If you discover a book in your collection is 'banned', **you must remove it from the library collection immediately.** [Contact the Classifications Office Information Unit](#) to discuss your options.
- Publications other than films and restricted games do not have to be labelled before being supplied to the public.

What about films, sound recordings and computer games?

Librarians : Information for the Public : OFLC

- If your library has restricted films, music or games, you will need to manage those items to ensure underage people cannot access them.
- You must check the age of any person who wants to borrow an age-restricted film, sound recording or game.
- It is an offence to supply an underage person with a restricted game.
 - You must also not knowingly issue it to a parent who says they will supply it to their underage child.

- Films and restricted games must carry classification labels.
- Libraries must display posters to inform their users what the classifications mean.
- If you discover an item in your collection is 'banned', **you must remove it from the library collection immediately.** [Contact the Classifications Office Information Unit](#) to discuss your options.

What about ebooks and filmstreaming offered by libraries?

- Nothing on the OFLC website offers advice to libraries about how to deal with ebook versions of restricted or banned books.
- The Act requires providers of commercial video on-demand and streaming services (listed in Schedule 2 of the Act) to display approved New Zealand age ratings and content warnings for all content available to New Zealand viewers.
- [Films, Videos, and Publications Classification \(Commercial Video on-Demand\) Amendment Act.](#)

Online and live streaming content - proposed updates 2021

As at September 2021 there is a Bill before Parliament to update the Act. If passed, the Bill:

- makes livestreaming of objectionable content a criminal offence.
- authorises an Inspector of Publications to issue a take-down notice for objectionable online content.
- facilitates setting up of future mechanisms for blocking or filtering objectionable online content.
- online content hosts will be subject to a civil pecuniary penalty if they do not comply with an issued take-down notice.
- enables the Chief Censor to make swift time-limited interim classification assessments of any publication in situations where the sudden appearance and (in the case of online publications) viral distribution of objectionable content is injurious to the public good.

[Films, Videos, and Publications Classification \(Urgent Interim Classification of Publications and Prevention of Online Harm\) Amendment Bill 268-1 \(2020\), Government Bill - New Zealand Legislation](#)

How do libraries challenge a censorship decision?

- It is possible to apply to get an older classification decision or a very recent decision reviewed.
- You can read more about seeking a review on the [Getting a classification changed](#) page.
- Case study: the Ted Dawe book Into the river. [Into the River - Wikipedia.](#)

Why would you?

LIANZA encourages librarians to engage with appropriate processes to challenge restrictions when they believe freedom of expression is being unduly constrained.

School libraries

- Like all libraries, school libraries need to ensure that restricted items are not lent or shown to underage students. If your school library stocks DVDs, you must make sure they are correctly labelled, that you display a label poster and that all staff are aware of the meaning of labels and legal restrictions.
- Permission from a teacher or a parent does not override a restriction. If teachers want students to see a restricted film or graphic novel, they must apply to the Chief Censor for an exemption from the classification.

Facilitating the kōrero

- Libraries and LIANZA can help communities understand and debate the issues around censorship.
- LIANZA conferences and groups provide a great opportunity for librarians from around the country to talk about the classification system with the OFLC.
- In 2014 the Classification Office presented a paper at the LIANZA conference entitled *Opening the book on censorship: classification of literature in New Zealand*. Classification Office staff also participated in a panel discussion with Auckland Libraries regarding the recent classification of a number of books.
- [LIANZA 2014 paper: Opening the book on censorship: classification of literature in New Zealand \(PDF, 184KB\)](#)

For more information or assistance: <https://lianza.org.nz/about/what-we-do/advocacy/lscfoi/>
Or email: freedom@lianza.org.nz

Other interesting links

- LIANZA Statement on Freedom of Information 2020
<https://lianza.org.nz/wp-content/uploads/2020/11/LIANZA-Statement-on-Freedom-of-Information-2020.pdf>
- Banned book week
<https://bannedbookweek.org/>
- Into the River author Ted Dawe discusses censorship (podcast)
<https://ouraukland.aucklandcouncil.govt.nz/articles/news/2015/10/into-the-river-author-ted-dawe-discusses-censorship/>
- James Meffan Into the Fog: Literature and Censorship in New Zealand (2016) Journal of NZ Studies 82-94
<https://ojs.victoria.ac.nz/jnzs/article/download/3983/3550/>