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Robert

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Dear Robert

## OFFICIAL INFORMATION ACT (OIA) 1982 REQUEST - "OBJECTIONABLE" MATERIAL

Thank you for your recent email OIA request. In your email, you ask if the Department of Internal Affairs (DIA) "could clarify for me what the criteria is for viewing objectionable material to be considered a crime."

The Films, Videos and Publications Classification Act 1993 (FVPC) is the relevant legislation in respect to your question. Section 131 of the FVPC states that it is an offence to possess an objectionable publication.

To take a successful case under this section, a person must be shown to have intent, knowledge of the publication/s, and control of the publication/s.

This is consistent with our advice that every time a person downloads objectionable material onto their screen, there is the potential for a possession offence having been committed.

I trust that this information provides you with the clarification you are seeking.

Yours sincerely



**Maarten Quivooy**  
General Manager Regulatory Services

