

9 September 2022

Roger Brown

By email: fyi-request-20359-9fcf04ab@requests.fyi.org.nz

Tēnā koe Mr Brown,

Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) about classification decisions for arcade games, which we received on 26 August 2022.

You asked:

- 1) Does the OFLC consider linking to a website that may currently, or in the future, host a video file that you might classify as objectionable in the future as 'distributing' that publication?
- 2) Searches of the publicly available OFLC databases do not show evidence that you have classified the document that Counterspin distributed, 'A Mosque Report you need to see no. 2.docx', as objectionable. Obviously not all works which contain some derivative material from the Christchurch counterjihad shooter's livestream video are objectionable, as you allowed the distribution of 'The Social Dilemma' and suchlike material here. Can you confirm whether any classification has been made of this document?
- 3) Did Police consult with you prior to laying these charges, which seem questionably founded to say the least?

In responding to your request, I have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

Response to your request

Linking to a website as 'distribution' of a publication

One of the roles of the Classification Office is to determine whether publications submitted to us are objectionable. The Office does not determine what may or may not constitute other elements of offences under the Act. Te Tari Taiwhenua—Department of Internal Affairs enforces the Act.

Under [section 14\(b\)\(ii\) of the OIA](#), the Office can transfer a request if it believes that the requested information is “more closely connected with the functions of another department”.

Accordingly, the Office transferred this part of your request to the Department earlier today. They must make a decision on this request by 7 October 2022 unless a valid extension is made.

'A Mosque Report you need to see no. 2.docx'

The Classification Office has not received *A Mosque Report you need to see no. 2.docx* for classification, and has not examined or classified this publication under [section 23 of the Films, Videos, and Publications Classification Act 1993](#).

Consultation by Police

Police did not consult with the Classification Office before laying these charges. Whether to lay charges in any given situation is ultimately a decision for Police to make.

Publication of response

This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response, and decision to transfer part of your request, under [section 28\(3\) of the OIA](#). Information about this process is available at ombudsman.parliament.nz or freephone 0800 802 602.

Thank you for your interest in our mahi.

Ngā mihi nui,
Te Mana Whakaatu—Classification Office