

Censorship and the Internet

The Internet is a fantastic means of communication and source of information. Never before has global communication been so easy and so beneficial.

Medical staff can now discuss the latest operating methods with colleagues on the other side of the world, students have several libraries of information at their fingertips and shoppers can purchase exotic goods without ever leaving home.

There is however, a small minority of people who use the Internet for harmful illegal activities, in particular those individuals who trade and distribute objectionable material.

The Department of Internal Affairs' inspectors undertake the role of investigating New Zealand Internet **websites** and **newsgroups** and enforcing censorship legislation. We take a proactive role to prosecute New Zealanders who trade objectionable material via the Internet. If a publication is categorised as 'objectionable' it is automatically banned by the *Films, Videos, and Publications Classification Act 1993*.

What is 'objectionable' material?

The Act specifically defines as 'objectionable' any publication that promotes or supports:

- exploitation of children or young persons for sexual purposes;
- use of violence or coercion to compel any person to participate in sexual conduct;
- sexual conduct upon the body of a dead person;
- use of urine or excrement in association with degrading or dehumanising or sexual conduct;
- bestiality;
- acts of torture or the infliction of extreme violence or extreme cruelty.

What are the penalties for possession or trading in objectionable material?

Anybody found "**knowingly**" in possession of objectionable material can receive a maximum of **five years imprisonment**.

Every time a person **downloads** objectionable material onto their screen, there is the potential for a **possession offence** having been committed.

Anybody who **knowingly makes** or **knowingly trades, distributes, or displays** an objectionable publication via the Internet can receive a maximum of **ten years imprisonment**. A **body corporate** can be **fined** up to **\$200,000**.

What is restricted material?

Restricted material is that which is **only made available** to people who are over a certain age. This includes R18 or Adult material similar to that which can be legally purchased from video or magazine outlets. This material is available on the Internet providing the person accessing it can **prove** they meet the **age criteria**.

Anybody who **knowingly supplies, distributes, exhibits or displays** a restricted publication to any person who **does not** meet the age criteria is committing an offence. A restricted publication is **objectionable** if made available to a person underage, and an individual can receive up to **three months imprisonment** or a **fine** not exceeding **\$10,000**.

Examples of offences that could occur: This would include (but is not restricted to):

- a video outlet renting a restricted DVD to an underage youth; or
- a parent supplying an R18 computer game to underage children; or
- an adult sending sexually explicit text or images to a person under 18.

What is the difference between objectionable and restricted material?

In deciding whether a publication is '**objectionable**', or should instead be given an '**unrestricted**' or '**restricted**' classification, consideration is given to the extent, degree and manner in which the publication:

- a) Describes, depicts, or deals with:
- acts of torture, the infliction of serious physical harm or acts of significant cruelty
 - sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
 - sexual or physical conduct of a degrading or dehumanising or demeaning nature
 - sexual conduct with or by children, or young persons, or both
 - physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain
- b) Exploits the nudity of children, young persons, or both
- c) Degrades or dehumanises or demeans any person;
- d) Promotes or encourages criminal acts or acts of terrorism
- e) Represents that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic of members of that class being a characteristic that is a prohibited ground of discrimination specified in the Human Rights Act 1993.

What can I do?

Every business, school and university can implement a **Code of Conduct** or **Acceptable Use Policy** to clearly set out what is considered appropriate use of the Internet. A draft Code of Conduct is available from our website: <http://www.censorship.dia.govt.nz>. The draft is only a guideline. Having a Code of Conduct will not protect you from prosecution action so organisations should always consider getting their own legal advice. (Note Section 138 of the Films, Videos, and Publications Classification Act – Liability of employers.)

All people who have Internet access through an organisation should be made aware of their responsibilities while on the Internet.

For home users, an awareness of what is considered to be objectionable, the type of material that will have an age restriction, and an understanding of the penalties involved will lead to a safer Internet experience.

What can I do if I find something objectionable by accident?

Internal Affairs investigates and sometimes prosecutes people who deliberately collect objectionable material and find ways to distribute it to other people via the Internet. Occasionally, the nature of the Internet can lead to somebody viewing objectionable material by accident.

If this happens to you, just **leave the site immediately**. If you have recorded the name of the site you can notify the Censorship Office at the Department of Internal Affairs.

There are items and links about **Internet Safety** aimed at children and parents on the Internal Affairs website at <http://www.censorship.dia.govt.nz>.

Glossary of Internet Jargon

Virus: Malicious programme designed to damage data; usually spread via infested e-mail attachments

Trojan: Malicious software disguised as harmless programme. One of the most common net security threats, it hides in the background and can trigger programmes to run that steal personal information or details stored on that computer for instance.

Firewall: Software to protect computers against hackers.

Keylogging: Software/hardware to track keystrokes on a computer to gather passwords, credit card numbers etc

Phishing: Fraudulent e-mails and pop-ups to fool you into revealing personal information for criminal gain. The most common phishing scam is one used to con people into handing over bank account details online.

Rogue dialler: Software that installs itself on computers and changes settings to dial a premium rate number instead of usual dial-up account.

Spam: Unsolicited e-mails, often offering products or services in which you have no interest.

Spyware: Small programmes that secretly monitor sites visited, potentially violating privacy and slowing computers.

Staying Safe on the Internet

	<p>Should you become aware of the transmission, use or viewing of objectionable material while on-line immediately report this to the Police or the Censorship Compliance Unit of the Department of Internal Affairs.</p> <p>Go to: http://www.censorship.dia.govt.nz</p>		<p>Remember that people on-line may not be who they seem. Because you can't see or even hear the person it is easy for people to misrepresent themselves. Someone indicating that "she" is a "12 year old girl" could in reality be a 40-year-old man.</p>
	<p>Remember that everything you read on-line may not be true. Any offer that seems "too good to be true" probably is. Be very careful about any offers that involve arranging a meeting or having someone visit your house.</p>		<p>Be careful if arranging a face-to-face meeting with another computer user. If a meeting is arranged, make the first one in a public place. Never allow a child to arrange a meeting without your permission. Always accompany your child if they do arrange a meeting.</p>
	<p>Think carefully before revealing any personal details such as age, marital status or financial information.</p>		<p>Set reasonable rules and guidelines for computer use by your children. Discuss these rules and post them near the computer as a reminder. Monitor their compliance with these rules. Excessive use of on-line services or bulletin boards, especially late at night, may be a clue that there is a potential problem.</p>
	<p>Never give out identifying information like a home address, school name, or telephone number in a public message such as in chatrooms or bulletin boards. Be sure you're dealing with someone that you know and trust before giving information out via e-mail. Make sure that your children understand these rules too.</p>		<p>Remember that personal computers and on-line services should not be seen as electronic babysitters.</p>
	<p>Get to know the services your child uses and find out what types of information they offer. If you don't know how to log on, get your child to show you.</p>		<p>Consider keeping the computer in a family room rather than the child's bedroom. Get to know their "on-line friends" just as you would get to know their other friends.</p>
	<p>Check with your Internet provider about ways to block out objectionable material to prevent your children from having access to it.</p>		<p>Spam Email: The best course of action is simply to "delete" these emails.</p>
	<p>Never respond to messages or bulletin board items that are suggestive, obscene, belligerent, threatening, or make you feel uncomfortable. Encourage your children to tell you if they encounter such messages.</p>		<p>Never open "attachments" or hit "action buttons" – this could cause the downloading of a virus or could incur costs of a toll call.</p> <p>Often there is a message, eg "If you want to be taken off this mailing list, hit the button" – never do this, it will only confirm your email address.</p>

How can I get more information?

The Censorship team at the Department of Internal Affairs are available to answer any queries you might have or to provide advice about safety on the Internet. They can be contacted at the following addresses:

Censorship Office

Department of Internal Affairs

PO Box 21105, Henderson, Auckland

Tel: (09) 836 8604 or (09) 836 8610

Fax: (09) 836 2977

Censorship Office

Department of Internal Affairs

PO Box 805, Wellington

Tel: (04) 495 9386 or (04) 495 9383

Fax: (04) 495 9389

Censorship Office

Department of Internal Affairs

PO Box 1308, Christchurch

Tel: (03) 353 8310 or (03) 365 9042

Fax: (03) 374 5860

Website:

<http://www.censorship.dia.govt.nz>