

## Meaning of “Objectionable”

For the purposes of this Act, a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

A publication shall be deemed to be objectionable for the purposes of this Act if the publication

promotes or supports, or tends to promote or support, ---

- a. The exploitation of children, or young persons, or both, for sexual purposes; or
- b. The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct; or
- c. Sexual conduct with or upon the body of a dead person; or
- d. The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct; or
- e. Bestiality; or
- f. Acts of torture or the infliction of extreme violence or extreme cruelty

In determining, for the purposes of this Act, whether or not any publication (other than a publication to which sub-section (2) of this section applies) is objectionable or should be given a classification other than objectionable, particular weight shall be given to the extent and degree to which, and the manner in which, the publication---

- a. Describes, depicts, or otherwise deals with---
  - i. Acts of torture, the infliction of serious physical harm, or acts of significant cruelty:
  - ii. Sexual violence or sexual coercion, or violence or coercion in association with sexual conduct:
  - iii. Other sexual or physical conduct of a degrading or dehumanising or demeaning nature:
  - iv. Sexual conduct with or by children, or young persons, or both:
  - v. Physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain: Exploits the nudity of children, or young persons, or both
- b. Degrades or dehumanises or demeans any person
- c. Promote or encourage criminal acts or acts of terrorism
- d. Represents (whether directly or by implication) 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 section 21 (1) of the Human Rights Act 1993

In determining, for the purposes of this Act, whether or not any publication (other than a publication to which subsection (2) of this section applies) is objectionable or should be given a classification other than objectionable, the following matters shall also be considered:

- e. The dominant effect of the publication as a whole
  - f. The impact of the medium in which the publication is presented
  - g. The character of the publication, including any merit, value, or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, or other matters
  - h. The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available
  - i. The purpose for which the publication is intended to be used
- Any other relevant circumstances relating to the intended or likely use of the publication

