



# Films, Videos, and Publications Classification (Commercial Video on-Demand) Amendment Regulations 2021

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 24th day of May 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 149 of the Films, Videos, and Publications Classification Act 1993 on the advice and with the consent of the Executive Council.

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(Commercial Video on-Demand) Amendment  
Regulations 2021**

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## Regulations

### 1 Title

These regulations are the Films, Videos, and Publications Classification (Commercial Video on-Demand) Amendment Regulations 2021.

### 2 Commencement

These regulations come into force on 1 August 2021.

### 3 Principal regulations

These regulations amend the Films, Videos, and Publications Classification Regulations 1994.

### 4 Regulation 2 amended (Interpretation)

(1) In regulation 2(1), replace the definition of **classification symbol** with:

**classification symbol,—**

(a) in relation to commercial video on-demand content, means a symbol specified in regulation 18AAE; and

- (b) in all other cases, means a symbol appearing on a label to indicate the classification of a film that is a restricted publication
- (2) In regulation 2(1), replace the definition of **main feature** with:
- main feature**,—
- (a) in the case of commercial video on-demand content, means the substantive commercial video on-demand content that is made available for a fee or other consideration; and
- (b) in relation to any other film,—
- (i) means the item on that film whose title is the title under which the film is solely or mainly marketed; but
- (ii) if there is a series of items on that film with the same running time (or very similar running times) and the same general title, and that title is the title under which the film is solely or mainly marketed, means the first of those items
- (3) In regulation 2(1), replace the definition of **rating symbol** with:
- rating symbol** means a symbol that indicates the rating of a film (*see* regulation 11D)
- (4) In regulation 2(1), definition of **running time**, replace paragraph (a) with:
- (a) in relation to commercial video on-demand content and any film intended to be made available for public supply, means the time required for the viewing of that commercial video on-demand content or that film:
- (5) In regulation 2(1), insert in their appropriate alphabetical order:
- ancillary content** means video on-demand content that—
- (a) provides information about or supports a main feature that is commercial video on-demand content (for example, content previews, cast interviews, and deleted scenes); and
- (b) is accessed from the title page for that main feature
- issue a label**,—
- (a) in the case of a label issued by the labelling body,—
- (i) if the label is for a film that is not commercial video on-demand content, means to issue a physical label for display on the film; or
- (ii) if the label is for commercial video on-demand content, means to notify the provider of the commercial video on-demand content of the rating or classification, and the description (if any), that is assigned to that content; and
- (b) in the case of a label issued by a specified CVoD provider, means to apply to commercial video on-demand content the rating or classification, and the description (if any), that is assigned to it

**title page**, in relation to particular commercial video on-demand content, means a screen page on a specified CVoD provider’s platform on which a person chooses to view, purchase, or hire that content

**5 Regulation 4 amended (Overseas classification authorities)**

Replace regulation 4(1)(a) with:

- (a) the Australian Classification Board:

**6 Regulation 8 amended (Films with main feature identical in content with main feature on film with rating or classification)**

After regulation 8(3), insert:

- (4) Subclause (3) does not apply if—
- (a) the film in respect of which the application under section 9(1) of the Act is made is commercial video on-demand content; or
- (b) the label that has already been issued was issued in respect of commercial video on-demand content.

**7 Regulation 11 amended (Labelling body must submit film to Classification Office if film’s trailer is inconsistent with its main feature)**

After regulation 11(4), insert:

- (5) This regulation does not apply to a film that is commercial video on-demand content.

**8 Regulation 11C amended (Symbols used in table in regulation 11B)**

- (1) In regulation 11C(1), replace “regulation 13” with “regulation 11D”.
- (2) In regulation 11C(1), after “regulation 12(1)”, insert “or 15A(2)”.
- (3) In regulation 11C(1), after “section 36(3)(b)”, insert “ or 46F(3)”.
- (4) Replace regulation 11C(2) with:
- (2) The symbol “R” in regulation 11B represents—
- (a) every kind of classification as a restricted publication (regardless of the restriction that has been or would be imposed by the Classification Office or the Board of Review); and
- (b) any rating under regulation 15A(2)(d) to (f) (which are ratings that indicate that commercial video on-demand content is unsuitable for audiences under a specified age).
- (2A) The symbol “R” in regulation 11B applies regardless of—
- (a) the description (if any) that has been or would be assigned under regulation 15(2)(b)(i) and (4) or under section 36(3)(b) or 46F(3) of the Act; and

- (b) the conditions (if any) that have been or would be imposed under section 27 of the Act.

## 9 New regulation 11D and cross-heading inserted

After regulation 11C, insert:

### *Rating symbols*

#### 11D Rating symbols

The following symbols must be used on labels issued in respect of films that are assigned the ratings specified in regulations 12(1) and 15A(2):

- (a) in the case of the rating “suitable for general audiences”, the symbol “G” in black inside a green circle:
- (b) in the case of the rating “parental guidance recommended for younger viewers”, the symbol “PG” in black inside a yellow circle:
- (c) in the case of the rating “suitable for mature audiences”, or the rating “suitable for mature audiences 16 years of age and over”, the symbol “M” in black inside a yellow circle:
- (d) in the case of the rating “unsuitable for audiences under 13 years of age”, the symbol “13” in black inside a red square:
- (e) in the case of the rating “unsuitable for audiences under 16 years of age”, the symbol “16” in black inside a red square:
- (f) in the case of the rating “unsuitable for audiences under 18 years of age”, the symbol “18” in black inside a red square.

## 10 Cross-heading above regulation 12 amended

In the cross-heading above regulation 12, after “descriptions”, insert “*by labelling body*”.

## 11 Regulation 12 amended (Assigning of ratings)

- (1) Replace regulation 12(1)(c) with:

- (c) either:
  - (i) suitable for mature audiences (in the case of commercial video on-demand content); or
  - (ii) suitable for mature audiences 16 years of age and over (in all other cases).

- (2) Replace regulation 12(2) with:

- (2) If the labelling body is required by these regulations to assign a rating to a film, and the labelling body is satisfied that the main feature on that film is identical in content to the main feature on a film to which a rating set out in subclause

- (1)(a) or (b) or regulation 15A(2)(a) or (b) has been assigned, the labelling body must assign to that film that same rating.
- (2A) If the labelling body is required by these regulations to assign a rating to a film, and the labelling body is satisfied that the main feature on that film is identical in content to the main feature on a film to which a rating set out in subclause (1)(c) or regulation 15A(2)(c) has been assigned, the labelling body must assign to that film—
- (a) the rating in subclause (1)(c)(i) (in the case of commercial video on-demand content); or
  - (b) the rating in subclause (1)(c)(ii) (in any other case).
- (2B) If the labelling body is required by these regulations to assign a rating to a film, and the labelling body is satisfied that the main feature on that film is identical in content to the main feature on a film to which a rating set out in regulation 15A(2)(d), (e), or (f) has been assigned, the labelling body must treat the film as if no rating has previously been assigned and subclauses (1) and (3) to (5), and regulations 9 to 11, apply accordingly.
- (2C) If the labelling body issues a label in respect of a film to which subclause (2B) applies, any label previously issued in respect of that film by the labelling body or a specified CVoD provider, and any previous direction by the Classification Office to the labelling body or a specified CVoD provider to issue a label in respect of that film, is deemed to be cancelled.

## 12 Regulation 13 revoked (Rating symbols)

Revoke regulation 13.

## 13 New regulations 15A to 15C and cross-heading inserted

After regulation 15, insert:

*Assigning of ratings and descriptions by specified CVoD provider using approved self-rating system*

### 15A Assigning of ratings

- (1) This regulation sets out the ratings that must be assigned by a specified CVoD provider using an approved self-rating system to indicate the suitability of commercial video on-demand content for particular audiences in accordance with section 46F(2) of the Act.
- (2) The ratings are as follows:
- (a) if the content is suitable for all audiences, “suitable for general audiences”; and
  - (b) if the content is suitable for all audiences with parental guidance for children, “parental guidance recommended for younger viewers”; and

- (c) if the content is suitable for mature audiences, “suitable for mature audiences”; and
- (d) if the content is unsuitable for audiences under the age of 13, “unsuitable for audiences under 13 years of age”; and
- (e) if the content is unsuitable for audiences under the age of 16, “unsuitable for audiences under 16 years of age”; and
- (f) if the content is unsuitable for audiences under the age of 18, “unsuitable for audiences under 18 years of age”.

**15B Descriptions assigned using approved self-rating systems**

- (1) A specified CVoD provider must assign a description to commercial video on-demand content if the approved self-rating system identifies any aspects of the content as likely to be of concern to parents and young people or to cause harm to persons who view it.
- (2) The description must consist of the content warnings that are specified in Schedule 1B that refer to the aspects of the content that the approved self-rating system indicates are most likely to be of concern or to cause harm.
- (3) The number of content warnings included in a description under subclause (2) must be determined by consideration of—
  - (a) the likelihood that any aspect of the content will be of concern or cause harm, and the potential degree of concern or harm; and
  - (b) the number of content warnings that can be reasonably expected to convey an effective communication to parents and potential audiences; and
  - (c) any guidance issued by the Chief Censor about the number of warnings that it is appropriate to include in a description.
- (4) Despite subclause (2), a specified CVoD provider may, with the agreement of the Chief Censor, include in a description a content warning that is not listed in Schedule 1B.
- (5) Nothing in this regulation prevents a specified CVoD provider alerting consumers to any other feature of the content of commercial video on-demand outside of the prescribed description.

**15C Audio content to be considered**

The rating and description assigned to commercial video on-demand content by a specified CVoD provider using an approved self-rating system must, in addition to the factors listed in section 46F(1) of the Act, take into account the audio content associated with the commercial video on-demand content and its relationship to that content.

**14 Cross-heading above regulation 16 replaced**

Replace the cross-heading above regulation 16 with:



*Issue of labels by labelling body in respect of films other than commercial video on-demand content*

**15 Regulation 16 amended (Issue of labels by labelling body)**

- (1) In regulation 16(1), replace “any film” with “a film (other than commercial video on-demand content)”.
- (2) After regulation 16(2), insert:
- (3) As soon as is reasonably practicable after issuing a label in accordance with subclause (1), the labelling body must notify the Classification Office of the issue of the label and provide the relevant information that the Classification Office is required to include in the database of films under regulation 35A(1).

**16 Regulation 17 amended (Labels issued at direction of Classification Office or Board of Review)**

In regulation 17(1), replace “a film” with “a film (other than commercial video on-demand content)”.

**17 Regulation 18 amended (Issue of additional labels)**

In regulation 18(1), replace “any film” with “a film (other than commercial video on-demand content)”.

**18 New regulations 18AA to 18AAF and cross-headings inserted**

After regulation 18, insert:

*Issue of labels by labelling body in respect of commercial video on-demand content*

**18AA Issue of label by labelling body by notification to specified CVoD provider**

- (1) If, in accordance with regulation 12, the labelling body assigns a rating to commercial video on-demand content, the labelling body must notify the specified CVoD provider of—
  - (a) the rating assigned to the commercial video on-demand content by the labelling body; and
  - (b) the description (if any) assigned to the commercial video on-demand content by the labelling body.
- (2) A specified CVoD provider who receives a notification under subclause (1) must issue a label for that content by applying to the content—
  - (a) the rating assigned to the content by the labelling body; and
  - (b) the rating symbol for that rating; and
  - (c) the description (if any) assigned to the content by the labelling body.
- (3) As soon as is reasonably practicable after issuing a label in accordance with subclause (2), the specified CVoD provider must notify the Classification

Office of the issue of the label and provide the relevant information that the Classification Office is required to include in the database of films under regulation 35A(1).

*Issue of labels by specified CVoD provider*

**18AAB Assessment of whether commercial video on-demand content previously labelled**

- (1) In determining, under section 46D(1) of the Act, whether a label has previously been issued for commercial video on-demand content, a specified CVoD provider must assess whether the commercial video on-demand content is identical to the main feature on any film that has been classified under the Act as a restricted publication or to which a rating has been assigned (an **other film**).
- (2) In making an assessment under subclause (1), the specified CVoD provider must take into account the following matters:
  - (a) the titles of the commercial video on-demand content and the other film:
  - (b) the names of the makers of the commercial video on-demand content and the other film:
  - (c) the countries of origin of the commercial video on-demand content and the other film:
  - (d) the year of release of the commercial video on-demand content and the other film:
  - (e) the running times of the main features of the commercial video on-demand content and the other film:
  - (f) the nature and extent of any excisions made to the other film.

**18AAC Labelling of commercial video on-demand content previously labelled**

- (1) A specified CVoD provider who determines, under regulation 18AAB, that commercial video on-demand content is identical to the main feature on any film that has been classified under the Act as a restricted publication, or to which the labelling body has assigned a rating set out in regulation 12(1)(a) or (b), or to which a specified CVoD provider has assigned a rating set out in regulation 15A(2)(a), (b), or (d) to (f), must assign to the commercial video on-demand content—
  - (a) the same rating or classification that was previously assigned; and
  - (b) the same description (if any) that was previously assigned.
- (2) A specified CVoD provider who determines, under regulation 18AAB, that commercial video on-demand content is identical to the main feature on any film to which the labelling body has assigned a rating set out in regulation 12(1)(c)(i) or (ii), or to which a specified CVoD provider has assigned the rating set out in regulation 15A(2)(c), must assign to the commercial video on-demand content—

- (a) the rating set out in regulation 15A(2)(c); and
- (b) the same description (if any) that was previously assigned.

**18AAD Issue of labels by specified CVoD provider using approved self-rating system**

- (1) If a specified CVoD provider uses an approved self-rating system to assign a rating to any commercial video on-demand content, the specified CVoD provider must issue a label for the content by applying to the content—
  - (a) the rating assigned to the content, as generated by the approved self-rating system; and
  - (b) the rating symbol for that rating; and
  - (c) the description (if any) assigned to the content, as generated by the approved self-rating system.
- (2) As soon as is reasonably practicable after issuing a label in accordance with subclause (1), the specified CVoD provider must notify the Classification Office of the issue of the label and provide the relevant information that the Classification Office is required to include in the database of films under regulation 35A(1).

**18AAE Classification symbols for commercial video on-demand content**

- (1) The following symbols must be used for labels issued in respect of commercial video on-demand content that is classified as a restricted publication:
  - (a) in the case of content that the Classification Office or the Board of Review has classified as objectionable except if the availability of the content is restricted to persons who have attained a specified age,—
    - (i) the numeral representing that age preceded by the symbol “R” in black inside a red square; or
    - (ii) the numeral representing that age in black inside a red square, preceded by the symbol “R” in clearly legible text; or
    - (iii) the numeral representing that age in black inside a red square, accompanied by the word “RESTRICTED” in prominent and clearly legible text:
  - (b) in all other cases,—
    - (i) the symbol “R” in black inside a red square; or
    - (ii) the word “RESTRICTED” in prominent and clearly legible text.
- (2) Despite subclause (1), if commercial video on-demand content is identical to the main feature on a film that was classified under the Act as a restricted publication before 1 August 2021, a classification symbol included on the label issued in respect of that film may be used on the label issued for identical commercial video on-demand content, instead of a symbol specified in subclause

(1), but only if the symbol is visibly distinct from any rating symbol prescribed in regulation 11D.

**18AAF Commercial video on-demand labels issued at direction of Classification Office**

Where, under section 36 of the Act, the Classification Office directs a specified CVoD provider to issue a label in respect of commercial video on-demand content, the provider must apply to the commercial video on-demand content the rating or classification and the description (if any) that the Classification Office directs.

**19 Cross-heading above regulation 19 replaced**

Replace the cross-heading above regulation 19 with:

*Display of labels on films other than commercial video on-demand content*

**20 New regulations 20AA to 20AAC and cross-heading inserted**

After regulation 20, insert:

*Display of information on commercial video on-demand content*

**20AA Information to be displayed on commercial video on-demand content**

- (1) The rating symbol or classification symbol, or the full text of the rating or classification, and the description (if any) that have been assigned to commercial video on-demand content must be—
  - (a) displayed at the beginning of the content when the content is accessed by a viewer; and
  - (b) displayed in a manner that ensures that it is clearly legible to the viewer; and
  - (c) displayed for a period of at least 5 seconds, unless the viewer takes an action that stops the display.
- (2) If commercial video on-demand content is made available in separate episodes, chapters, or other parts, subclause (1) applies to each episode, chapter, or part.
- (3) However, a specified CVoD provider is not required to comply with subclauses (1) and (2) if—
  - (a) a viewer can only access the commercial video on-demand content from the title page; and
  - (b) the requirements in regulation 20AAB(1)(a) and (b)(i) are complied with; and
  - (c) the cost or effort involved in complying with subclauses (1) and (2) would be, in the view of the provider, substantial and unreasonable.

**20AAB Label must be displayed on title page**

- (1) A specified CVoD provider must apply a label to commercial video on-demand content by—
  - (a) clearly displaying the rating symbol or classification symbol, or the full text of the rating or classification, that is assigned to the content on the title page of the content in close proximity to—
    - (i) the title; or
    - (ii) the place on the title page where a person chooses to view the content; and
  - (b) clearly displaying the description that is assigned to the content (if any)—
    - (i) on the title page of the content in close proximity to the rating symbol or classification symbol, or the full text of the rating or classification; or
    - (ii) elsewhere on the title page, together with other detailed information about the content.
- (2) However, a specified CVoD provider is not required to comply with subclause (1) if—
  - (a) a viewer is not required to purchase or hire the content before accessing it; and
  - (b) the requirements in regulation 20AA(1) and (2) are complied with; and
  - (c) the cost or effort involved in complying with subclause (1) would be, in the view of the provider, substantial and unreasonable.

**20AAC Information about ancillary content**

- (1) Subclause (2) applies if a specified CVoD provider makes ancillary content available from the title page of the main feature to which it relates and—
  - (a) the ancillary content is suitable for a narrower audience than that indicated by the classification or rating that applies to the main feature; or
  - (b) the content warnings that apply to the ancillary content are different to those included in the description that applies to the main feature.
- (2) If this subclause applies,—
  - (a) a rating symbol appropriate to the ancillary content, or the full text of the rating, must be clearly displayed—
    - (i) on the title page, in close proximity to the position on the title page at which a person chooses to view the ancillary content; or
    - (ii) at the beginning of the ancillary content for a period of at least 5 seconds, unless the viewer takes an action that stops the display; and

- (b) a description appropriate to the ancillary content must be clearly displayed in close proximity to the rating symbol or text referred to in paragraph (a).

## **21 Regulation 35 amended (Register of Classification Decisions)**

After regulation 35(1)(b), insert:

- (ba) where the publication is commercial video on-demand content referred to the Classification Office under section 46E(3) of the Act, the name of the person who referred that content to the Classification Office for classification:

## **22 New regulations 35A to 35C inserted**

After regulation 35, insert:

### **35A Film database**

- (1) The Classification Office must include, in the database of films required by section 11A of the Act, the following details in respect of each film in relation to which a label is issued:
  - (a) the title under which the film has been exhibited, offered for supply, or made available in New Zealand:
  - (b) the year in which the film was first released:
  - (c) the name of the makers of the film:
  - (d) the country or countries of origin of the film:
  - (e) the running times of the main feature of the film:
  - (f) the running times of any trailers included on the film:
  - (g) the content of the label that is currently in force and that was issued by the labelling body or a specified CVoD provider:
  - (h) the date on which the label was first issued:
  - (i) the name of the person or agency that first issued the label:
  - (j) the content of any previous label issued in respect of the film that is deemed to have been cancelled under regulation 12(2C) or section 36(5) of the Act, and the person or agency that issued the label and the date on which it was issued.
- (2) The Classification Office must add or update the details in the database of films as soon as is reasonably practicable after receiving a notice under regulation 16(3), 18AA(3), or 18AAD(2) or issuing a direction under section 36 of the Act.
- (3) The Chief Censor may, in terms and conditions set under section 46G(4) of the Act, specify how a specified CVoD provider who uses an approved self-rating system must comply with the requirements to provide information for inclusion in the film database set out in regulations 18AA(3) and 18AAD(2).

**35B Search criteria**

- (1) The film database must be established and maintained so that it may be searched by reference to all or any 1 or more of the following criteria:
  - (a) the title under which the film has been exhibited, offered for supply, or made available in New Zealand;
  - (b) the date on which the current label was issued;
  - (c) the person or agency that issued the label;
  - (d) the rating or classification symbol included in the label.
- (2) The database may be established and maintained so that it may be searched by reference to any criteria additional to the criteria in subclause (1).

**35C Cancellation and replacement of label**

- (1) This regulation applies if a label is deemed to be cancelled—
  - (a) by regulation 12(2C), after the issue of a new label by the labelling body; or
  - (b) by section 36(5) of the Act, after the issue of a direction by the Classification Office to issue a new label.
- (2) The Classification Office must ensure that each specified CVoD provider is notified of the cancellation and of the content of the new label.
- (3) The notice under subclause (2) must be given as soon as is reasonably practicable after the Classification Office receives the information from the labelling body under regulation 16(3) that relates to the deemed cancellation, or issues the direction under section 36 of the Act.
- (4) A specified CVoD provider who is notified under subclause (2) that a label assigned to commercial video on-demand content is deemed to be cancelled must, within 20 working days of receipt of the notice, apply the rating or classification and the description (if any) contained in the new label to any identical commercial video on-demand content that the specified CVoD provider makes available.

**23 Regulation 38 amended (On posters and other advertising material)**

After regulation 38(4)(c), insert:

- (d) any poster or other advertising material that advertises commercial video on-demand content.

**24 Regulation 39 amended (On trailers)**

After regulation 39(2), insert:

- (3) Nothing in this regulation applies to trailers that advertise commercial video on-demand content.

**25 Regulation 40 amended (On radio advertisements)**

After regulation 40(2), insert:

- (3) Nothing in this regulation applies to radio advertisements that advertise commercial video on-demand content.

**26 Regulation 41 amended (On television advertisements)**

After regulation 41(2), insert:

- (3) Nothing in this regulation applies to television advertisements that advertise commercial video on-demand content.

**27 Regulation 42 amended (Display of explanatory material in premises where films supplied, etc)**

In regulation 42(1)(b), replace “regulation 13” with “regulation 11D”.

**28 Regulation 61C amended (Symbols used in table in regulation 61B)**

- (1) In regulation 61C(1), replace “regulation 13” with “regulation 11D”.
- (2) In regulation 61C(1), after “regulation 12(1)”, insert “or 15A(2)”.
- (3) In regulation 61C(1), after “section 36(3)(b)”, insert “ or 46F(3)”.
- (4) Replace regulation 61C(2) with:
  - (2) The symbol “R” in regulation 61B represents—
    - (a) every kind of classification as a restricted publication (regardless of the restriction that has been or would be imposed by the Classification Office or the Board of Review); and
    - (b) any rating under regulation 15A(2)(d), (e), or (f) (which is a rating that indicates that commercial video on-demand content is unsuitable for audiences under a specified age).
  - (2A) The symbol “R” in regulation 61B applies regardless of—
    - (a) the description (if any) that has been or would be assigned under regulation 15(2)(b)(i) and (4) or under section 36(3)(b) or 46F(3) of the Act; and
    - (b) the conditions (if any) that have been or would be imposed under section 27 of the Act.

**29 New Schedule 1B inserted**

After Schedule 1A, insert the Schedule 1B set out in the Schedule of these regulations.



**Schedule**  
**New Schedule 1B inserted**

r 29

**Schedule 1B**  
**Content warnings for commercial video on-demand**

r 15B

Adult themes  
Animal cruelty  
Bullying  
Coarse language  
Content that may disturb  
Cruelty  
Dangerous behaviour  
Domestic violence  
Drug references  
Drug use  
Explicit sex scenes  
Graphic violence  
Horror  
Nudity  
Offensive language  
Rape  
Scary scenes  
Self-harm  
Sex scenes  
Sexual themes  
Sexual violence  
Sexual violence themes  
Suicide  
Suicide themes  
Supernatural themes  
Violence

Michael Webster,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 August 2021, amend the Films, Videos, and Publications Classification Regulations 1994 (the **principal regulations**). The amendments are made to support the regime for labelling commercial video on-demand content that is established by the Films, Videos, and Publications Classification (Commercial Video on-Demand) Amendment Act 2020 (which also comes fully into force on 1 August 2021).

The substantive requirements for labelling commercial video on-demand content are set out in the following regulations:

- *regulation 13*, which inserts *new regulations 15A to 15C* into the principal regulations. Those new regulations specify the ratings that must be assigned by specified CVoD providers when using approved self-rating systems (*new regulation 15A*), set out how descriptions must be assigned (which involves determining the appropriate content warnings that apply) (*new regulation 15B* and *new Schedule 1B*), and require audio content to be considered when using an approved self-rating system (*new regulation 15C*):
- *regulation 18*, which inserts *new regulations 18AA to 18AAF* into the principal regulations. Those new regulations set out the process for the issue of labels in respect of commercial video on-demand content by the labelling body and by specified CVoD providers:
- *regulation 20*, which inserts *new regulations 20AA to 20AAC* into the principal regulations. Those new regulations prescribe how labelling information must be displayed on commercial video on-demand content. The standard requirements are that the relevant rating or classification symbol, or the full text of the rating or classification, and the description (if one applies) must be displayed at the beginning of the content when it is accessed, and also on the title page (which is the screen page on a specified CVoD provider's platform from which a person chooses to view, purchase, or hire the content). However, the following exceptions from those standard requirements apply:
  - the information need not be displayed at the beginning of the content if viewers can only access the content through the title page, and the information will be clearly displayed on that page, and if the cost or effort involved in also displaying the information at the beginning of the content would be, in the view of the provider, substantial and unreasonable; and
  - the information need not be displayed on the title page if viewers are not required to purchase or hire content before accessing it, and the informa-

tion will be clearly displayed at the beginning of the content, and if the cost or effort involved in also displaying the information on the title page would be, in the view of the provider, substantial and unreasonable.

These regulations also—

- set out details of the film database that the Classification Office is required to maintain (*new regulations 35A and 35B*); and
- make numerous technical amendments to the principal regulations to adapt the existing processes and requirements that apply to labelling films to ensure they are workable in the case of commercial video on-demand.

### **Regulatory impact assessment**

The Department of Internal Affairs produced a regulatory impact assessment on 10 December 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- [https://www.dia.govt.nz/diawebsite.nsf/Files/RIA-Commercial-Video-on-Demand-Regulatory-Impact-Assessment-with-Supplementary-Analysis/\\$file/RIA-Commercial-Video-on-Demand-Regulatory-Impact-Assessment-with-Supplementary-Analysis.PDF](https://www.dia.govt.nz/diawebsite.nsf/Files/RIA-Commercial-Video-on-Demand-Regulatory-Impact-Assessment-with-Supplementary-Analysis/$file/RIA-Commercial-Video-on-Demand-Regulatory-Impact-Assessment-with-Supplementary-Analysis.PDF)
- <https://treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the Department of Internal Affairs.