



**THE FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION
REGULATIONS 1994**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of August 1994

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

Pursuant to sections 149 and 176 of the Films, Videos, and Publications Classification Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Films, Videos, and Publications Classification Regulations 1994.

(2) These regulations shall come into force on the 1st day of October 1994.

PART I

PRELIMINARY PROVISIONS

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Films, Videos, and Publications Classification Act 1993:

“Cassette”, in relation to a video recording, means any case in which the video recording is kept and from which the video recording need not be removed in order for the video recording to be viewed:

“Classification symbol” means a symbol appearing on a label to indicate the classification of a film that is a restricted publication:

“Display case”, in relation to a film, means any case or other container (other than a case or container that is not intended to be displayed to the public)—

(a) In which the film is kept, or that is displayed, in any premises in which films are supplied or offered for supply, to indicate that the film is available for supply; and

(b) That shows the title of that film; and

(c) That must be removed before the film can be viewed:

“Film slick”, in relation to a film, means any leaflet or notice (whether with or without illustrations or photographs) that contains information about the film and is intended to be affixed to, or inserted inside any sleeve of, any display case:

“Main feature”, in relation to a film, means the item on that film that has the longest running time:

“Occupier” in relation to any premises,—

(a) Means the person occupying those premises; and

(b) Includes—

(i) Any agent, manager, or other person, acting in the general management or control of those premises; and

(ii) Where the premises are occupied by a body of persons, whether corporate or unincorporate, the working manager:

“Overseas classification authority” means an authority declared by regulation 4 of these regulations to be an overseas classification authority:

“Public display”, in relation to a film poster, means the display of the poster in a public place in circumstances that may reasonably be taken to indicate that the film to which the poster relates is available for public supply or public exhibition:

“Rating symbol” means a symbol specified in regulation 13 of these regulations:

“Running-time”,—

(a) In relation to a film intended to be made available for public supply, means the time required for the viewing of the film:

(b) In relation to a film intended to be made available for public exhibition, means the time required for the exhibition of the film:

“Trailer” means a short film that is used primarily for advertising any film; and includes any advertisement or material that is included on a film but which is not part of the main feature on the film.

(2) In these regulations, unless the context otherwise requires, a reference to a numbered form is a reference to the form so numbered in the Second Schedule to these regulations.

(3) Where any expression used in these regulations is not defined in these regulations but is defined in the Act, that expression shall, unless the context otherwise requires, have, in these regulations, the meaning given to it in the Act.

3. Meaning of consistent in character with main feature—For the purposes of these regulations, a trailer included on a film that is supplied to the public or offered for supply to the public or exhibited to the public shall be regarded as consistent in character with the main feature on that film if,—

(a) Where that trailer advertises one or more films (not being the main feature on the film on which the trailer is included) to which ratings have been assigned or that have been classified under the Act, every film so advertised—

(i) Has assigned to it a rating that is the same as, or is less restrictive than, the rating that the labelling body proposes to assign in respect of the main feature on the film on which the trailer is included; or

(ii) Has a classification that indicates that the film is suitable for the same audience as, or for a more general audience than, the audience referred to in the rating that the labelling body proposes to assign in respect of the main feature on the film on which the trailer is included; and

(b) Whether or not the trailer advertises any film, the trailer does not contain material that, if that trailer were assessed under regulation 10 of these regulations as a film in its own right, and having regard to the matters specified in subclause (2) of that regulation, would, in the opinion of the labelling body,—

(i) Result in that trailer being assigned a rating that is more restrictive than the rating that the labelling body proposes to assign in respect of the main feature on the film on which the trailer is included; or

(ii) Require the trailer to be submitted, in accordance with subclause (5) of that regulation, to the Classification Office under section 12 (1) of the Act.

4. Overseas classification authorities—(1) For the purposes of these regulations, the following authorities are hereby declared to be overseas classification authorities:

(a) The Films Censorship Board of Australia:

(b) The British Board of Film Classification.

(2) Where, pursuant to regulation 9 or regulation 12 of these regulations, the labelling body is required to refer to classifications issued by overseas classification authorities, the labelling body—

- (a) Shall refer first to classifications issued by the overseas classification authority specified in paragraph (a) of subclause (1) of this regulation; and
- (b) Shall not refer to classifications issued by the overseas classification authority specified in paragraph (b) of subclause (1) of this regulation unless no relevant classification has been issued by the overseas classification authority specified in paragraph (a) of that subclause.

PART II

LABELLING OF FILMS

Labelling of Films

5. Application of this Part—Nothing in this Part of these regulations (other than regulations 17 to 20) applies to any film—

- (a) To which section 161 or section 168 of the Act applies; or
- (b) In respect of which a label has been issued under the Video Recordings Act 1987.

6. Application for issue of label—Every application under section 9 (1) of the Act shall be accompanied by a statement specifying the running-time of—

- (a) The main feature on the film to which the application relates; and
- (b) Every trailer included on that film.

7. Examination of film by labelling body—(1) On receiving an application under section 9 (1) of the Act, the labelling body shall assess whether the main feature on the film in respect of which the application is made is identical in content with the main feature on—

- (a) Any film that has been classified under the Act as a restricted publication; or
- (b) Any film to which a rating has been assigned under the Act.

(2) In making an assessment under subclause (1) of this regulation, the labelling body shall take into account the following matters:

- (a) The titles of the films:
- (b) The names of the makers of the films:
- (c) The countries of origin of the films:
- (d) The running-times of the films:
- (e) The nature and extent of any excisions made to the other film:
- (f) Such other matters as the labelling body, in consultation with the Chief Censor, considers necessary to consider in order to make the assessment required.

8. Films with main feature identical in content with main feature on film with rating or classification—(1) If, after making an assessment under regulation 7 of these regulations, the labelling body is satisfied that the main feature on the film is identical in content with the main feature on a film that has been classified under the Act as a restricted publication, the labelling body shall not assign a rating to that film, but shall submit it to the Classification Office in accordance with section 12 (1) of the Act.

(2) If, after making an assessment under regulation 7 of these regulations, the labelling body is satisfied that the main feature on the film is identical in content with the main feature on a film to which a rating has been assigned under the Act, the labelling body shall, subject to regulation 11 of these regulations, assign a rating to the film in accordance with regulation 12 of these regulations.

(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, where, after making an assessment under regulation 7 of these regulations, the labelling body is satisfied that the film in respect of which the application under section 9 (1) of the Act is made is identical in content with a film in respect of which a label has already been issued under the Act, the labelling body shall either—

- (a) Treat the application as an application under regulation 18 of these regulations for the issue of a copy of that label, and deal with the application accordingly; or
- (b) Reject the application on the grounds that section 9 (2) (a) of the Act does not permit the making of the application.

9. Films with main feature not identical in content with main feature on film with rating or classification—(1) If, after making an assessment under regulation 7 of these regulations, the labelling body is satisfied that the main feature on the film is not identical in content with the main feature on a film to which paragraph (a) or paragraph (b) of subclause (1) of that regulation applies, the labelling body shall assess whether the main feature on the film is identical in content with any film that has been considered by an overseas classification authority for the purpose of determining whether the film should be approved for supply or exhibition.

(2) In making an assessment under subclause (1) of this regulation, the labelling body shall take into account the matters specified in regulation 7 (2) of these regulations.

(3) If, after making an assessment under subclause (1) of this regulation, the labelling body is satisfied that the main feature on the film is identical in content with—

- (a) A film that has been classified by an overseas classification authority as approved for supply or exhibition only to persons of or over a specified age (the specified age being an age that is 15 years or more); or
- (b) A film that an overseas classification authority has refused to approve for supply or exhibition,—

the labelling body shall not assign a rating to that film, but shall submit it to the Classification Office in accordance with section 12 (1) of the Act.

(4) If, after making an assessment under subclause (1) of this regulation, the labelling body is satisfied that the main feature on the film is identical in content with a film that has been classified by an overseas classification authority as approved for supply or exhibition (other than a film to which paragraph (a) of subclause (3) of this regulation applies), the labelling body shall, subject to regulation 11 of these regulations, assign a rating to the film in accordance with regulation 12 of these regulations.

10. Films not identical in content with films classified by overseas classification authority—(1) If, after making assessments under regulations 7 and 9 of these regulations, the labelling body is satisfied—

- (a) That the main feature on the film is not identical in content with the main feature on a film to which paragraph (a) or paragraph (b) of regulation 7 (1) of these regulations applies; and
- (b) That the main feature on the film is not identical in content with any film considered by an overseas classification authority for the purpose of determining whether the film should be approved for supply or exhibition,—

the labelling body shall view that film to determine the rating to be assigned to it.

(2) In determining the rating to be assigned to any film viewed under subclause (1) of this regulation, the labelling body shall consider the following matters:

- (a) The dominant effect of the film as a whole:
- (b) The persons, classes of persons, or age groups of the persons, to whom the film is intended or is likely to be made available:
- (c) The extent and degree to which, and the manner in which, the film describes, depicts, expresses, or otherwise deals with matters such as anti-social behaviour, cruelty, violence, crime, horror, sex, or offensive language or behaviour:
- (d) The extent and degree to which, and the manner in which, the film—
 - (i) Degrades or dehumanises or demeans any person:
 - (ii) 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.

(3) For the purpose of determining the rating to be assigned to a film viewed under subclause (1) of this regulation, the labelling body may seek the advice of the Classification Office in relation to any of the matters specified in subclause (2) of this regulation.

(4) After viewing a film in accordance with subclause (1) of this regulation, and having taken into account the matters referred to in subclause (2) of this regulation, the labelling body shall, subject to section 12 (2) of the Act, to subclause (5) of this regulation, and to regulation 11 of these regulations, assign a rating to that film in accordance with regulation 12 of these regulations.

(5) Notwithstanding anything in subclause (4) of this regulation, where,—

- (a) After viewing a film in accordance with subclause (1) of this regulation; and
- (b) Having taking into account the matters referred to in subclause (2) of this regulation,—

the labelling body is satisfied that if that film were submitted to the Classification Office, it would be likely to be classified by the Classification Office as an objectionable publication or as a restricted publication, the labelling body shall not assign a rating to that film, but shall submit it to the Classification Office in accordance with section 12 (1) of the Act.

11. Films containing trailers not consistent in character with main feature—(1) Notwithstanding anything in regulation 8 or regulation 9 or regulation 10 of these regulations, on receiving an application under section 9 (1) of the Act, the labelling body, in addition to assessing, in

accordance with these regulations, the main feature on the film in respect of which the application is made, shall assess any trailer included on that film for the purpose of determining whether or not that trailer is consistent in character with that main feature.

(2) Notwithstanding anything in regulation 8 (2) or regulation 9 (4) or regulation 10 (4) of these regulations, where, after making an assessment of any trailer under subclause (1) of this regulation, the labelling body is not satisfied that the trailer is consistent in character with the main feature on the film on which the trailer is included, the labelling body shall not assign a rating to that film, but shall submit it to the Classification Office in accordance with section 12 (1) of the Act.

Assigning of Ratings and Descriptions

12. Assigning of ratings—(1) Where, pursuant to regulation 8 (2) or regulation 9 (4) or regulation 10 (4) of these regulations, the labelling body is required to assign a rating to a film, the labelling body shall, subject to subclauses (2) to (5) of this regulation, assign to that film one of the following ratings:

(a) Suitable for general audiences:

(b) Parental guidance recommended for younger viewers:

(c) Suitable for mature audiences 16 years of age and over.

(2) Where 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 with the main feature on a film to which a rating has been assigned under the Act, the labelling body shall assign to that film that rating.

(3) Subject to section 12 of the Act, where 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 with any film that has been classified by an overseas classification authority as approved for supply or exhibition to persons of all ages, the labelling body shall assign to that film the rating specified in subclause (1) (a) of this regulation.

(4) Subject to section 12 of the Act, where 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 with any film that has been classified by an overseas classification authority as suitable for supply or exhibition only to persons of or over a specified age (the specified age being an age that is not more than 13 years), the labelling body shall assign to that film the rating specified in subclause (1) (b) of this regulation.

(5) Subject to section 12 of the Act, where 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 with any film that has been classified by an overseas classification authority as suitable for supply or exhibition to persons of or over a specified age (the specified age being 14 years of age or 15 years of age), the labelling body shall assign to that film the rating specified in subclause (1) (c) of this regulation.

13. Rating symbols— For the purposes of these regulations, the ratings specified in regulation 12 (1) of these regulations shall be represented by the following symbols:

- (a) In the case of the rating “Suitable for general audiences”, by the symbol “G”:
- (b) In the case of the rating “Parental guidance recommended for younger viewers”, by the symbol “PG”:
- (c) In the case of the rating “Suitable for mature audiences 16 years of age and over”, by the symbol “M”.

14. Assigning of descriptions—(1) Where, in accordance with regulation 12 of these regulations, the labelling body has assigned a rating to a film, the labelling body shall determine whether to assign a description to that film to indicate whether it contains anti-social behaviour, cruelty, violence, crime, horror, sex, or offensive language or behaviour.

(2) Where, in the case of a film to which regulation 8 (2) of these regulations applies, a description has been assigned to the film whose rating is required by regulation 12 (2) of these regulations to be assigned to the first-mentioned film, the labelling body shall assign to the first-mentioned film that description.

(3) In determining whether to assign a description to any film to which regulation 9 (4) of these regulations applies, the labelling body shall take into account any information made available by the overseas classification authority in relation to the film with which the labelling body is satisfied the main feature on the film is identical in content.

15. Films already classified by Classification Office—(1) This regulation applies to any film the main feature on which has been classified under the Act as unrestricted or as a restricted publication, but in respect of which no direction has been made under section 36 of the Act requiring the labelling body to issue a label.

(2) Where an application is made under section 9 (1) of the Act in respect of a film to which this regulation applies,—

- (a) Where the main feature on the film is classified under the Act as unrestricted, this Part of these regulations (other than regulation 10 (5)) shall apply as if the main feature had not been so classified, and, subject to subclause (3) of this regulation, the labelling body shall examine and assess the film, and any trailer included on the film, accordingly:
- (b) Where the main feature on the film is classified under the Act as a restricted publication, the labelling body shall, subject to subclause (5) of this regulation,—
 - (i) In accordance with regulation 14 of these regulations, determine whether to assign a description to that film; and
 - (ii) In accordance with regulation 17 (1)(b)(i) of these regulations, issue in respect of that film a label containing the classification of the film and any description assigned to the film.

(3) Where, in the case of a film to which subclause (2)(a) of this regulation applies, regulation 9 (3) of these regulations would not, apart from this subclause, permit the labelling body to assign a rating to that film, the labelling body shall, subject to regulation 11 of these regulations, instead assign to that film the rating specified in regulation 12 (1)(c) of these regulations.

(4) For the purpose of determining—

- (a) Whether or not to assign a description to a film to which subclause (2)(b) of this regulation applies; and

(b) The particular description to assign to such a film,—
the labelling body shall seek the advice of the Classification Office, and shall take any such advice into account in making that determination.

(5) Notwithstanding that the main feature on a film to which subclause (2) (b) of this regulation applies has already been classified under the Act, the labelling body shall also assess, in accordance with regulation 11 of these regulations, every trailer included on that film, and that regulation shall apply in relation to that film accordingly.

Issue of Labels

16. Issue of labels by labelling body—(1) Where, in accordance with regulation 12 of these regulations, the labelling body assigns a rating to any film, the labelling body shall issue in respect of that film a label containing—

- (a) The rating assigned to that film by the labelling body; and
- (b) The rating symbol for that rating; and
- (c) The description (if any) assigned to that film by the labelling body.

(2) Every label issued under subclause (1) of this regulation shall be in the following form:

- (a) A label issued in respect of a film to which the rating specified in regulation 12 (1) (a) of these regulations has been assigned shall be in the form of, and coloured the same as, Diagram A in the First Schedule to these regulations:
- (b) A label issued in respect of a film to which the rating specified in regulation 12 (1) (b) of these regulations has been assigned shall be in the form of, and coloured the same as, Diagram B in the First Schedule to these regulations:
- (c) A label issued in respect of a film to which the rating specified in regulation 12 (1) (c) of these regulations has been assigned shall be in the form of, and coloured the same as, Diagram C in the First Schedule to these regulations.

17. Labels issued at direction of Classification Office or Board of Review—(1) Where, under section 36 of the Act, the Classification Office directs the labelling body to issue a label in respect of a film, the labelling body shall issue in respect of that film a label containing,—

- (a) Where the Classification Office or the Board of Review has classified the film as unrestricted,—
 - (i) The rating that the Classification Office has directed the labelling body to assign to that film; and
 - (ii) The rating symbol for that rating; and
 - (iii) The description (if any) that the Classification Office has directed the labelling body to assign to that film;
- (b) Where the Classification Office or the Board of Review has classified the film as a restricted publication,—
 - (i) The classification given by the Classification Office or the Board of Review to that film; and
 - (ii) The description (if any) that the Classification Office has directed the labelling body to assign to that film.

(2) Every label issued under subclause (1) (a) of this regulation shall be in the form of, and coloured the same as, whichever of Diagrams A to C in the First Schedule to these regulations fits the case, which shall be

determined by the rating assigned to the film in respect of which the label is issued.

- (3) Every label issued under subclause (1) (b) of this regulation shall,—
- (a) In the case of a label issued in respect of a film that the Classification Office or the Board of Review has classified as objectionable except if the availability of the film is restricted to persons who have attained a specified age, be in the form of, and coloured the same as, Diagram D in the First Schedule to these regulations:
 - (b) In the case of a film that the Classification Office or the Board of Review has classified as—
 - (i) Objectionable except if the availability of the film is restricted to specified persons or classes of persons; or
 - (ii) Objectionable except if the film is used for one or more specified purposes; or
 - (iii) Objectionable except in 2 or more of the circumstances specified in section 23 (2) (c) of the Act,—
 be in the form of, and coloured the same as, Diagram E in the First Schedule to these regulations.

18. Issue of additional labels—(1) Where, in accordance with these regulations, the labelling body has issued a label in respect of any film, any person who distributes films or supplies or exhibits films to the public may apply to the labelling body for the issue of copies of that label for the purpose of labelling any copy of the film in respect of which the original label was issued.

(2) On receiving an application under subclause (1) of this regulation, the labelling body, if it is satisfied that the film in respect of which the application is made is identical in content with the film in respect of which the label was originally issued, shall, on payment of the fee set by the labelling body for such application, issue such number of copies of that label as may be required by the applicant.

Affixing of Labels

19. Affixing of labels—(1) Subject to sections 7 and 8 of the Act, every film that is supplied to the public or offered for supply to the public shall have affixed to it, in the following manner, the label issued in respect of that film:

- (a) One copy of the label shall be affixed securely to the front of the display case relating to that film; and
- (b) One copy of the label shall be affixed securely,—
 - (i) In the case of a film that is kept in a cassette, to the spine of the cassette or to the front face of the cassette;
 - (ii) In the case of a film that is kept on a spool or other similar device, to the front face of that spool or device;
 - (iii) In the case of a film that takes the form of a video disc or other similar device, on a suitable surface of that disc or device, unless the affixing of a label on any part of the film would prevent the viewing of the film.

(2) Notwithstanding anything in paragraph (a) of subclause (1) of this regulation, where any film slick is affixed to, or inserted inside any sleeve of, any display case so as to be viewed through the display case, the label required by that paragraph to be affixed to the face of the display case

through which that slick may be viewed shall, instead of being affixed to that face, be affixed to the film slick so as to be viewed through that face.

(3) Every label required to be affixed, pursuant to this regulation, to any film shall be of the following size:

- (a) In the case of a label required to be affixed pursuant to paragraph (a) of subclause (1) of this regulation, not less than 2.5 cm in height nor less than 5.5 cm in width:
- (b) In the case of a label required to be affixed pursuant to paragraph (b) of subclause (1) of this regulation, not less than 1.75 cm in height nor less than 4.5 cm in width.

20. Further requirements relating to affixing of labels—(1) Subject to subclauses (3) and (4) of this regulation, every label required to be affixed, pursuant to regulation 19 of these regulations, to any film shall be affixed in such a manner that it is fully visible at all times, and shall not be obscured by any other matter, or be altered or defaced in any way.

(2) Where the face or spine of any display case, cassette, spool, device, or film, or any film slick, already has displayed on it any classification issued by an overseas classification authority, the label required to be affixed pursuant to regulation 19 of these regulations to any such face, spine, or film, or any film slick, shall, where practicable, be so affixed that the other classification is so far as possible no longer visible.

(3) Where—

- (a) Any label is affixed, pursuant to regulation 19 of these regulations, to any display case, cassette, spool, device, or film; and
- (b) That label is deemed, under section 36(5) of the Act, to be cancelled,—

any new label affixed, pursuant to regulation 19 of these regulations, to that display case, cassette, spool, device, or film shall be so affixed that the cancelled label is no longer visible.

(4) Where it is not possible to comply with subclause (3) of this regulation, the cancelled label shall be permanently obscured by some other means, or shall be removed.

(5) Where—

- (a) Any film is offered for supply to the public by way of sale only; and
- (b) That film has been imported into New Zealand already prepacked for sale; and
- (c) That film has had assigned to it any rating specified in regulation 12(1) of these regulations; and
- (d) The Chief Censor considers that compliance with all or any of the requirements of subclauses (1) and (2) of regulation 19 of these regulations would be impractical or unduly burdensome in respect of that film,—

the label issued under the Act in respect of that film shall be affixed to that film by such alternative method approved by the Chief Censor as will ensure that the rating assigned to that film is brought to the attention of purchasers of that film.

PART III

FILM POSTERS

Approval of Film Posters by Labelling Body

21. Submission of film posters to labelling body—(1) Where, pursuant to section 9 (1) of the Act, any person applies to the labelling body for the issue of a label in respect of a film, that person shall also submit to the labelling body, for approval, a copy of every film poster relating to the film and intended by that person for use in relation to the public supply or public exhibition of the film.

(2) Any person who—

(a) Is engaged in the production, distribution, public supply, or public exhibition of films; or

(b) Proposes to supply to the public, or exhibit to the public, any film—may at any time submit to the labelling body, for approval, any film poster intended by that person for use in relation to the public supply or public exhibition of any film.

(3) Nothing in subclause (2) of this regulation applies in respect of a film poster that relates to a film that is classified as objectionable.

(4) Nothing in this regulation applies to a film poster that is classified under the Act as objectionable or as a restricted publication.

22. Examination and approval of film posters submitted with film—(1) This regulation applies where, in accordance with regulation 21 (1) of these regulations, a film poster is submitted to the labelling body in conjunction with an application made under section 9 (1) of the Act in respect of a film.

(2) Where this regulation applies, and the labelling body assigns a rating to the film to which the film poster relates, the labelling body shall examine the film poster in order to determine whether or not to approve the poster.

(3) After examining a film poster in accordance with subclause (2) of this regulation, the labelling body shall approve the film poster unless the labelling body considers that, if the film poster were submitted under section 13 (1) of the Act to the Classification Office for a decision on its classification, the film poster would be likely to be classified under section 23 of the Act as objectionable or as a restricted publication.

(4) Where this regulation applies, and—

(a) The labelling body is required, by section 12 (1) of the Act or regulation 61 of these regulations, to submit the film to which the film poster relates to the Classification Office for examination and classification pursuant to section 23 of the Act; or

(b) Pursuant to section 12 (3) of the Act, the labelling body obtains the leave of the Chief Censor to submit the film to which the film poster relates to the Classification Office for examination and classification pursuant to section 23 of the Act,—

the labelling body shall decline to approve that film poster.

23. Examination and approval of film posters submitted separately—(1) This regulation applies where, in accordance with regulation 21 (2) of these regulations, a film poster is submitted to the labelling body for approval.

(2) Where this regulation applies, the labelling body shall approve the film poster unless the labelling body considers that, if the film poster were

submitted under section 13 (1) of the Act to the Classification Office for a decision on its classification, the film poster would be likely to be classified under section 23 of the Act as objectionable or as a restricted publication.

24. Labelling body to give notice of decision—(1) Where the labelling body approves or declines to approve a film poster submitted to the labelling body under regulation 21 of these regulations, the labelling body shall give written notice of its decision to the person who submitted the film poster.

(2) Every notice under subclause (1) of this regulation shall, where the labelling body declines to approve a film poster, specify the reasons for the decision.

25. Labelling body to maintain record of decisions on film posters—(1) The labelling body shall keep and maintain a copy of every notice given by the labelling body pursuant to regulation 24 of these regulations, and those copies shall be open to inspection by the public during ordinary office hours at the offices of the labelling body.

(2) Every person shall, on request, and on payment of such fee (if any) as the labelling body may determine, be entitled to a copy of any notice given by the labelling body pursuant to regulation 24 of these regulations.

(3) Any fee charged pursuant to subclause (2) of this regulation for a copy of any such notice shall be no more than is reasonably required to recover the cost to the labelling body of making and supplying that copy.

26. Subsequent decisions of Classification Office relating to film posters—Where, in accordance with this Part of these regulations, the Classification Office approves or refuses to approve a film poster submitted to it under regulation 27 of these regulations, any previous decision of the labelling body pursuant to this Part of these regulations with respect to that film poster shall, for the purposes of these regulations, be deemed to be cancelled.

Approval of Film Posters by Classification Office

27. Submission of film posters to Classification Office—(1) Where, pursuant to section 12 of the Act, the labelling body submits to the Classification Office for examination and classification a film in respect of which an application has been made to the labelling body under section 9 (1) of the Act, the labelling body shall also submit to the Classification Office, for approval, a copy of every film poster submitted to the labelling body in conjunction with that application.

(2) Where, pursuant to section 13 (1) of the Act, any person who—

(a) Is engaged in the production, distribution, public supply, or public exhibition of films submits a film to the Classification Office for examination and classification; or

(b) Proposes to supply to the public, or exhibit to the public, any film submits that film to the Classification Office for examination and classification,—

that person shall also submit to the Classification Office, for approval, a copy of every film poster relating to that film and intended by that person for use in relation to the public supply or public exhibition of that film.

(3) Any person who—

(a) Is engaged in the production, distribution, public supply, or public exhibition of films; or

(b) Proposes to supply to the public, or exhibit to the public, any film— may at any time submit to the Classification Office, for approval, any film poster (being a film poster classified under the Act as a restricted publication) intended by that person for use in relation to the public supply or public exhibition of any film.

(4) Where, pursuant to regulation 22 (3) or regulation 23 (2) of these regulations, the labelling body has declined to approve a film poster submitted to it for approval, the person who submitted that film poster may at any time submit that film poster to the Classification Office for approval.

(5) Nothing in subclause (3) or subclause (4) of this regulation applies in respect of a film poster that relates to a film that is classified as objectionable.

(6) Nothing in this regulation applies to a film poster that is classified under the Act as objectionable.

28. Examination of film posters by Classification Office—(1) This regulation applies where, in accordance with regulation 27 of these regulations, a film poster is submitted to the Classification Office for approval.

(2) Where this regulation applies,—

(a) In the case of a film poster submitted to the Classification Office pursuant to subclause (1) or subclause (2) of regulation 27 of these regulations, the Classification Office shall refuse to approve that film poster if the Classification Office classifies the film to which the film poster relates as objectionable:

(b) In any other case, the Classification Office shall examine the film poster in order to determine whether or not to approve the poster.

(3) After examining a film poster in accordance with subclause (2) (b) of this regulation,—

(a) If the Classification Office considers that, if the film poster were submitted under section 13 (1) of the Act to the Classification Office for a decision on its classification, the film poster would be likely to be classified under section 23 of the Act as objectionable, the Classification Office shall refuse to approve the film poster:

(b) If the Classification Office considers that, if the film poster were so submitted, the film poster would be likely to be classified under section 23 of the Act as a restricted publication, the Classification Office shall deal with the film poster in accordance with regulation 29 of these regulations:

(c) If the Classification Office considers that, if the film poster were so submitted, the film poster would be likely to be classified under section 23 of the Act as unrestricted, the Classification Office shall approve the film poster:

(d) If the Classification Office is satisfied that the film poster is classified under the Act as a restricted publication, the Classification Office shall deal with the film poster in accordance with regulation 29 of these regulations.

29. Where film poster likely to be classified as restricted publication—(1) This regulation applies where,—

(a) Pursuant to paragraph (b) of subclause (3) of regulation 28 of these regulations, the Classification Office considers that a film poster would be likely to be classified under section 23 of the Act as a restricted publication; or

(b) Pursuant to paragraph (d) of that subclause, the Classification Office is satisfied that a film poster is classified under the Act as a restricted publication.

(2) Where this regulation applies, the Classification Office shall consider whether or not the public display of the film poster, if not subject to conditions under regulation 30 of these regulations, would be likely to cause offence to reasonable members of the public.

(3) If the Classification Office considers that the public display of the film poster, if not subject to such conditions, would not be likely to cause such offence, the Classification Office shall approve the film poster.

(4) If the Classification Office considers that the public display of the film poster, if not subject to such conditions, would be likely to cause such offence, the Classification Office shall, subject to subclause (5) of this regulation, approve the film poster subject to such conditions under regulation 30 of these regulations as it considers necessary to avoid the causing of such offence.

(5) Where, pursuant to section 27 of the Act, the Classification Office has imposed any condition on the public display of the film poster or on the public display of film posters relating to the film to which the film poster relates, the Classification Office may approve the film poster without imposing conditions under regulation 30 of these regulations if the Classification Office is satisfied that compliance with the condition imposed pursuant to that section will be sufficient to avoid the causing of such offence.

30. Conditions relating to film posters—(1) The conditions that may be imposed pursuant to regulation 29 of these regulations in respect of a film poster are as follows:

(a) That the film poster must be displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises):

(b) That the film poster must not be publicly displayed in any place in which the film to which the film poster relates is available for public supply or is exhibited to the public, and must be shown in that place only to persons who make a direct request for the film poster:

(c) Subject to regulation 31 of these regulations, that the film poster must not be publicly displayed unless certain excisions or alterations are made to the film poster.

(2) Any one or more of the conditions specified in subclause (1) of this regulation may be imposed in respect of a film poster.

(3) For the purposes of these regulations, a condition imposed pursuant to subclause (1) (b) of this regulation prohibiting the public display of a film poster in any place shall, in so far as the condition relates to the public display of the film poster in any premises, prohibit the public display of that film poster not only in those premises but also—

(a) On the exterior of those premises:

(b) In the immediate vicinity of those premises.

(4) Where the Classification Office considers, in relation to a film poster to which regulation 29 (4) of these regulations applies, that the causing of offence to reasonable members of the public would be avoided by either—

(a) The imposition of the condition specified in paragraph (c) of subclause (1) of this regulation; or

(b) The imposition of either of the other conditions specified in that subclause,—

the Classification Office shall give the person who submitted the film poster to the Classification Office for approval the option of selecting which of those 2 conditions the Classification Office should impose in respect of the public display of the film poster.

31. Excisions from or alterations to posters—(1) Where the Classification Office considers, in relation to a film poster to which regulation 29 (4) of these regulations applies, that the causing of offence to reasonable members of the public would be avoided if any specified part or parts of the film poster were excised or altered to the satisfaction of the Classification Office, the Classification Office shall notify the person who submitted the film poster to the Classification Office for approval (or, in the case of a film poster submitted to the Classification Office pursuant to regulation 27 (1) of these regulations, the person who submitted the film poster to the labelling body for approval) that the Classification Office will approve the film poster if the specified part or parts are so excised or altered, and may also specify the method by which the alteration or excision is to be made.

(2) If the person notified under subclause (1) of this regulation agrees to each such excision or alteration to the satisfaction of the Classification Office, the Classification Office shall, subject to subclause (3) of this regulation, when the Classification Office is satisfied that every alteration or excision required by it has been or will be made in accordance with its requirements, approve the film poster in accordance with regulation 29 (4) of these regulations as if each of the required excisions or alterations were made.

(3) In any case to which subclause (2) of this regulation applies, the Classification Office may withhold its approval of the film poster until a copy of it in its altered form has been submitted to the Classification Office.

(4) If the person notified under subclause (1) of this regulation refuses or fails, within 20 working days after the date of the Classification Office's notice, or within such further period as the Classification Office may allow, to agree to any such alteration or excision to the satisfaction of the Classification Office, the Classification Office shall, subject to subclause (5) of this regulation, refuse to approve the film poster.

(5) Where subclause (4) of this regulation applies, the Classification Office shall not refuse to approve the film poster if it considers that the causing of offence to reasonable members of the public would be avoided if either of the other conditions specified in regulation 30 (1) of these regulations were imposed in respect of the film poster, and in any such case the Classification Office shall approve the film poster subject to such a condition.

32. Classification Office to give notice of decision—(1) Where the Classification Office approves or refuses to approve a film poster submitted

to it under regulation 27 of these regulations, the Classification Office shall give written notice of its decision to the person who submitted the film poster (or, in the case of a film poster submitted to the Classification Office pursuant to regulation 27 (1) of these regulations, the person who submitted the film poster to the labelling body for approval).

(2) Every notice under subclause (1) of this regulation shall specify,—

- (a) If the Classification Office has approved the film poster subject to conditions under regulation 30 of these regulations, those conditions:
- (b) If the Classification Office has refused to approve the film poster, the reasons for the decision.

33. Classification Office to maintain record of decisions on film posters—(1) The Classification Office shall keep and maintain a copy of every notice given by the Classification Office pursuant to regulation 32 of these regulations, and those copies shall be open to inspection by the public during ordinary office hours.

(2) Every person shall, on request, and on payment of such fee (if any) as the Classification Office may determine, be entitled to a copy of any notice given by the Classification Office pursuant to regulation 32 of these regulations.

(3) Any fee charged pursuant to subclause (2) of this regulation for a copy of any such notice shall be no more than is reasonably required to recover the cost to the Classification Office of making that copy.

Miscellaneous Provision

34. Approval of poster subject to other restrictions—(1) The approval of a film poster under these regulations is subject to any conditions imposed pursuant to section 27 of the Act on the public display of that film poster.

(2) Where a film poster is classified under the Act as a restricted publication, the approval of that film poster under these regulations is subject to the terms of that classification.

PART IV

CLASSIFICATION DECISIONS

35. Register of Classification Decisions—(1) The Register of Classification Decisions kept under section 39 of the Act shall contain the following particulars with respect to each publication examined by the Classification Office or the Board of Review:

- (a) The name of the person or court submitting or referring the publication to the Classification Office for examination or, as the case may be, to the Board of Review for review:
- (b) Where the publication is a film submitted to the Classification Office pursuant to section 12 of the Act, the name of the person who applied to the labelling body for the issue of a label in respect of the film:
- (c) The number of the submission:
- (d) The title of the publication and, in the case of a film, every trailer included on the film:
- (e) The name of the maker of the publication and its country of origin:
- (f) In the case of a film, the running-time of—
 - (i) The main feature on the film; and

- (ii) Every trailer included on the film:
 - (g) In the case of a film, the film's format:
 - (h) The decision of the Classification Office or, as the case requires, the Board of Review in respect of the publication, and the date of the entry of the decision in the register:
 - (i) Where the Act requires that the Classification Office or the Board of Review give its reasons for the decision, a summary of the reasons for the decision:
 - (j) Where, pursuant to section 27 of the Act, the Classification Office or the Board of Review has imposed conditions on the public display of the publication, or any advertising poster or film poster relating to the publication, or both, those conditions:
 - (k) Such other particulars as the Classification Office considers necessary or desirable.
- (2) The particulars required by subclause (1) of this regulation to be entered in the register in respect of a publication are in addition to the matters required by paragraphs (a) and (b) of section 39 (2) of the Act to be entered in respect of that publication.

36. List of decisions—Every list of decisions produced pursuant to section 40 of the Act shall contain, in addition to the matters required to be included by subsection (2) (b) of that section, the following matters in respect of each publication listed in it:

- (a) The name of the person or court submitting or referring the publication to the Classification Office for examination or, as the case may be, to the Board of Review for review:
- (b) Where the publication is a film submitted to the Classification Office pursuant to section 12 of the Act, the name of the person who applied to the labelling body for the issue of a label in respect of the film:
- (c) The title of the publication and, in the case of a film, the title of every trailer included on the film:
- (d) The name of the maker of the publication, and its country of origin:
- (e) In the case of a film, the running-time of—
 - (i) The main feature on the film; and
 - (ii) Every trailer included on the film:
- (f) In the case of a film, the film's format:
- (g) The decision of the Classification Office or, as the case requires, the Board of Review in respect of the publication, and the date of the entry of the decision in the register:
- (h) Where the Act requires that the Classification Office or the Board of Review give its reasons for the decision, a summary of the reasons for the decision:
- (i) Where, pursuant to section 27 of the Act, the Classification Office or the Board of Review has imposed conditions on the public display of the publication, or any advertising poster or film poster relating to the publication, or both, those conditions:
- (j) Such other particulars as the Classification Office considers necessary or desirable, being particulars that have been entered in the register in respect of the publication.

PART V

PUBLIC NOTIFICATION OF RATINGS AND CLASSIFICATIONS

37. Display or advertising of content of labels for films intended for public exhibition—(1) Subject to sections 7 and 8 of the Act, where any film is exhibited to the public, there shall be displayed in accordance with the requirements of subclauses (2) and (3) of this regulation, at the premises where the film is exhibited, and also at any other premises at which the exhibitor, or any other person acting as agent for the exhibitor, offers for sale to the public any tickets to any exhibition of the film,—

- (a) In the case of a film to which a rating has been assigned under the Act,—
- (i) That rating; and
 - (ii) The rating symbol applicable to that rating; and
 - (iii) Any description assigned to the film:
- (b) In the case of a film that has been classified as a restricted publication,—
- (i) The classification of that film, as appearing on the label issued in respect of that film; and
 - (ii) The classification symbol applicable to the film; and
 - (iii) Any description assigned to the film.

(2) The information required by subclause (1) of this regulation to be displayed in respect of a film shall be so displayed by means of—

- (a) A lobby board; or
- (b) A copy of the label issued in respect of the film,—

which shall be displayed in a conspicuous position in the lobby of the premises or (where applicable) outside the entrance to the room in which the film is to be exhibited, at all times while the premises are open to the public.

(3) The lobby board required to be displayed by subclause (2) of this regulation shall be not less than 28 cm by 36 cm, and the content of the lobby board shall be easily readable by persons at a reasonable distance from the lobby board.

38. On posters and other advertising material—(1) Subject to subclause (4) of this regulation, this regulation applies to any poster or other advertising material that is used or intended for use in relation to the advertising to the public of any film in respect of which a label has been issued.

(2) Every poster or other advertising material to which this regulation applies shall show the content of the label issued in respect of the film advertised in the poster or material, which content shall be shown in accordance with the following requirements:

- (a) In the case of a film to which a rating has been assigned, the poster or material shall show—
- (i) The rating symbol applicable to the film; and
 - (ii) Any description assigned to the film:
- (b) In the case of a film that has been classified as a restricted publication, the poster or material shall show—
- (i) The classification symbol applicable to the film; and
 - (ii) Any description assigned to the film:

- (c) The content of the label shall be easily readable by persons at a reasonable distance from the poster or material, having regard to the size and nature of the poster or material:
 - (d) Unless the Classification Office otherwise directs, the content of the label shall appear adjacent to the title of the film:
 - (e) In the case of a poster, the content of the label shall be imposed on the poster by means of printing, photographic reproduction, or stamp impression, or shall be printed on a slip of paper securely attached to the poster, and in every such case every constituent letter and figure shall be at least 2cm in height:
 - (f) In the case of any advertising material published in any newspaper, the smallest letter or figure used as part of the symbol indicating the rating or classification of the film to which the material relates shall be of type no less than 6 points.
- (3) Notwithstanding anything in paragraph (a) or paragraph (b) of subclause (2) of this regulation, in the case of any advertising material—
- (a) Published in any newspaper; or
 - (b) In the form of a programme or brochure; or
 - (c) In any other printed document advertising 2 or more films,—
the provisions of those paragraphs shall, in addition to requiring the rating symbol or, as the case requires, the classification symbol, be deemed to require an explanation of the symbol, in the terms of the relevant paragraph of regulation 12 (1) of these regulations (in the case of a rating symbol) or the actual classification of the film (in the case of a film classified as a restricted publication), to appear,—
 - (d) In the case of advertising material published in a newspaper, on the same page as the material; or
 - (e) In every other case, in the programme, brochure, or other printed document in such a manner as to clearly relate to the material.
- (4) Nothing in this regulation applies to—
- (a) Any film slick that is affixed to, or inserted inside any sleeve of, any display case:
 - (b) Any trailer:
 - (c) Any radio or television advertising.

39. On trailers—(1) Where any trailer is exhibited to the public, and that trailer advertises a film in respect of which a label has been issued, the content of the label issued in respect of that film shall be shown on the trailer in accordance with the following requirements:

- (a) In the case of a film to which a rating has been assigned, there shall be shown—
 - (i) The rating symbol applicable to the film; and
 - (ii) An explanation of that symbol, in the terms of the relevant paragraph of regulation 12 (1) of these regulations; and
 - (iii) Any description assigned to the film:
- (b) In the case of a film that has been classified as a restricted publication, there shall be shown—
 - (i) The classification symbol applicable to the film; and
 - (ii) An explanation of that symbol, in the terms of the actual classification of the film; and
 - (iii) Any description assigned to the film:

(c) The content of the label shall appear immediately after the end of the trailer, in such a manner as to be clearly legible for not less than 5 seconds.

(2) Notwithstanding anything in subclause (1) of this regulation, on any specified occasion or occasions when for technical or other reasons it is not possible to comply with the requirements of that subclause, the information specified in that subclause may be shown by means of a lantern slide or such other method or methods as the Chief Censor may from time to time approve, either generally or in a particular case.

40. On radio advertisements—(1) Every radio advertisement that advertises to the public any film in respect of which a label has been issued shall include a statement of the content of the label issued in respect of that film, which statement shall comply with the following requirements:

(a) In the case of a film to which a rating has been assigned, the statement shall specify—

(i) That rating, in the terms of the relevant paragraph of regulation 12 (1) of these regulations; and

(ii) Any description assigned to the film:

(b) In the case of a film that has been classified as a restricted publication, the statement shall specify—

(i) The classification of the film, as appearing on the label issued in respect of the film; and

(ii) Any description assigned to the film.

(2) In every case the statement required by subclause (1) of this regulation shall come at the end of the advertisement.

41. On television advertisements—(1) Every television advertisement that advertises to the public any film in respect of which a label has been issued shall include the following:

(a) In the case of a film to which a rating has been assigned, there shall be included—

(i) The rating symbol applicable to the film; and

(ii) An explanation of that symbol, in the terms of the relevant paragraph of regulation 12 (1) of these regulations; and

(iii) Any description assigned to the film:

(b) In the case of a film that has been classified as a restricted publication, there shall be included—

(i) The classification symbol applicable to the film; and

(ii) An explanation of that symbol, in the terms of the actual classification of the film; and

(iii) Any description assigned to the film.

(2) In every case the information required by subclause (1) of this regulation shall be displayed legibly on the screen for at least 5 seconds.

42. Display of explanatory material in premises where films supplied, etc.—(1) Every occupier of premises (not being a private residence) where films are supplied to the public, offered for supply to the public, or exhibited to the public shall, in accordance with subclause (2) of this regulation, publicly display on those premises a notice showing—

(a) The ratings specified in regulation 12 (1) of these regulations; and

(b) The rating symbols specified in regulation 13 of these regulations;
and

- (c) The symbols that may appear on labels issued under regulation 17 (1)(b) of these regulations, and an explanation of their meaning.
- (2) Every such notice shall—
 - (a) Be not less than 40 cm by 28 cm; and
 - (b) Be printed in letters and figures that are easily readable by persons at a reasonable distance from the notice; and
 - (c) Be displayed in a conspicuous position,—
 - (i) In the case of premises where films are supplied to the public or offered for supply to the public, as near as practicable to the counter where transactions are made;
 - (ii) In the case of premises where films are exhibited to the public, in the lobby of the premises or outside the entrance to those rooms in which films are exhibited; and
 - (d) Be displayed at all times while the premises are open to the public.

PART VI

APPLICATIONS FOR REVIEW

43. Application for leave of Secretary to apply for review—

- (1) Every application for the leave of the Secretary under section 47 (2) (e) of the Act—
 - (a) Shall be in the form provided for that purpose by the Secretary; and
 - (b) Shall include the following matters:
 - (i) Particulars sufficient to identify the publication in respect of which a review by the Board of Review is sought; and
 - (ii) The date of the decision of the Classification Office in respect of the publication, and the date of publication of the list produced in accordance with section 40 of the Act in which that decision is recorded; and
 - (c) The applicant's interest in the publication; and
 - (d) The reasons why the applicant considers that the publication to which the application relates should be reviewed by the Board of Review.
- (2) As soon as practicable after receiving an application for leave under section 47 (2) (e) of the Act, the Secretary shall decide whether or not to grant leave to the applicant, and shall notify the applicant in writing of his or her decision and, where leave is refused, of the reasons for that refusal.

44. Applications for review—Every application for a review under section 47 of the Act shall be in form 1.

PART VII

MISCELLANEOUS PROVISIONS

General

45. Refusal to examine publication not in good condition—The Classification Office may refuse to examine any publication whose condition when submitted to the Classification Office is such that the Classification Office is unable to properly assess the publication.

46. Offences—(1) Every person commits an offence against these regulations who, being the occupier of premises (other than a private residence) where films are supplied to the public or offered for supply to the public or exhibited to the public,—

- (a) Publicly displays any film poster that has not been approved under these regulations; or
- (b) Publicly displays any film poster otherwise than in accordance with any condition or conditions imposed pursuant to regulation 30 of these regulations in respect of the approval of that film poster under these regulations; or
- (c) Publicly displays any film poster in contravention of any such condition.

(2) Every person commits an offence against these regulations who, being the occupier of premises (other than a private residence) where films are supplied to the public or offered for supply to the public or exhibited to the public,—

- (a) Fails without reasonable excuse to display the notice required by subclause (1) of regulation 42 of these regulations; or
- (b) Without reasonable excuse displays any such notice otherwise than in accordance with the requirements of subclause (2) of that regulation.

(3) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$2,000.

47. Search warrants—Every search warrant issued under section 109 of the Act shall be in form 2.

48. Labelling body to disseminate information—(1) The labelling body shall take such steps as the Chief Censor may require to ensure that notice of the rating and description (if any) assigned by the labelling body to any film is disseminated to persons engaged in the production, distribution, public supply, or public exhibition of films.

(2) Every notice required by subclause (1) of this regulation shall be disseminated not later than 1 month after the rating is assigned to the film, and shall include the following details:

- (a) The title of the film:
- (b) The running-time of the film:
- (c) The rating and description (if any) assigned to the film:
- (d) The date on which the labelling body issued the label in respect of the film.

(3) Where, pursuant to this regulation, the labelling body is required to supply to any person a copy of any notice required by subclause (1) of this regulation, the labelling body may charge that person a fee for supplying that copy.

(4) Any fee charged pursuant to subclause (3) of this regulation for the supply to any person of a copy of a notice shall be no more than is reasonably required to recover the cost to the labelling body of making and supplying that copy.

49. Service of notices and other documents—(1) Any notice or other document required to be given or served by, or to or on, any person for the purposes of the Act may be so given or served by delivering it to that person.

- (2) Any such notice or document may be delivered to the person—
 - (a) Personally; or

- (b) By leaving it at that person's usual or last known place of residence or business or at the address specified by that person in any application or other document received from that person; or
- (c) By posting it in a letter addressed to that person at that place of residence or business or at that address; or
- (d) Where the person has a document exchange box number, by leaving the notice or document at a document exchange for direction to that document exchange box number; or
- (e) Where that person has a facsimile number, by transmitting the notice or document to that facsimile number.

50. Service by post—(1) If, in accordance with regulation 49 (2) (c) of these regulations, any notice or document is sent to any person by post, it shall be deemed to have been delivered to that person on the earlier of—

- (a) The fifth working day after the day on which it was posted; or
 - (b) The day on which it was received.
- (2) In proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

51. Service by means of document exchange or facsimile—

(1) Where a notice or document is served on, or given to, any person in accordance with paragraph (d) or paragraph (e) of regulation 49 (2) of these regulations, that notice or document shall—

- (a) If left at a document exchange, be deemed to have been duly served or given on the earlier of—
 - (i) The second working day after the day on which it was so left; or
 - (ii) The day on which it was received; and
 - (b) If transmitted to a facsimile number, be deemed, subject to subclauses (2) and (3) of this regulation, to have been duly served or given on the day on which it was transmitted.
- (2) Where a notice or document is transmitted to a facsimile number after 5 p.m. on any day, that notice or document shall, subject to subclause (3) of this regulation, be deemed to have been duly served or given on the first working day after the day on which the notice or document was received in a complete and legible condition.
- (3) A notice or document transmitted to a facsimile number shall be deemed to have been received in a complete and legible condition unless—
- (a) The contrary is shown; or
 - (b) As soon as practicable after the transmission is concluded, the person to whom the notice or document was transmitted notifies the person who transmitted the notice or document that the notice or document was incomplete or illegible or both when it was received.

52. Service on absentee—For the purposes of regulation 49 of these regulations, where the person on or to whom a notice or document is required to be served or given is absent from New Zealand, the notice or document may be delivered, as specified in that regulation, to that person's agent in New Zealand.

53. Chief Censor or President of Board may direct manner of service—(1) Subject to regulation 54 of these regulations, if any person on or to whom a notice or document is required to be served or given for the

purposes of the Act is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased, or if for any other reason it is not practicable to deliver the notice or document personally, the notice or document shall be delivered in such manner as may be directed by the Chief Censor or the President of the Board.

(2) Notwithstanding anything in regulations 49 to 52 of these regulations, but subject to regulation 54 of these regulations, the Chief Censor or the President of the Board may in any case direct the manner in which any such notice or document is to be given or served, or dispense with the service or giving of any such notice or document.

54. Regulations as to service, etc. to be read subject to express provision—Regulations 49 to 53 of these regulations shall be read subject to any provision of the Act that prescribes a particular and exclusive mode of serving or giving any notice or document.

Revocations

55. Revocations—The regulations specified in the Third Schedule to these regulations are hereby revoked.

PART VIII

TRANSITIONAL PROVISIONS

Application

56. Application of this Part—This Part of these regulations applies to any film—

- (a) In respect of which a decision relating to the rating to be assigned to the film or relating to the classification of the film has been made under the Films Act 1983 or the Video Recordings Act 1987, or both; and
- (b) In respect of which no label has been issued under the Act; and
- (c) That has not been classified under the Act.

Equivalent Ratings and Classifications

57. Equivalent ratings and classifications—(1) Each of the classifications under the Films Act 1983 specified in the first column of the Fourth Schedule to these regulations is equivalent to the rating or classification under this Act specified in relation to each such classification in the second column of that Schedule.

(2) Each of the ratings and classifications under the Video Recordings Act 1987 specified in the third column of the Fourth Schedule to these regulations is equivalent to the rating or classification under this Act specified in relation to each such rating or classification in the second column of that Schedule.

58. Issue of label in respect of film to which this Part applies—

- (1) Any person who—
 - (a) Is engaged in the production, distribution, public supply, or public exhibition of films; or
 - (b) Proposes to supply to the public or exhibit to the public any film—may apply under section 9 (1) of the Act to the labelling body for the issue of a label in respect of any film to which this Part of these regulations applies.

(2) On receiving an application under section 9 (1) of the Act in relation to a film to which this Part of these regulation applies, the labelling body shall, subject to regulation 61 of these regulations, issue a label in respect of that film.

(3) Subject to regulation 59 of these regulations, every such label shall contain—

(a) The rating or classification under this Act that is equivalent to the rating or classification of the film under the Films Act 1983 or, as the case requires, the Video Recordings Act 1987, as determined in accordance with regulation 57 of these regulations; and

(b) The description (if any) assigned to the film in accordance with regulation 60 of these regulations.

(4) Every label issued under subclause (3) of this regulation shall be in the form of, and coloured the same as, whichever of Diagrams A to E in the First Schedule to these regulations fits the case, which shall be determined by the film's equivalent rating or classification under the Act.

(5) Nothing in this regulation authorises the labelling body to issue a label in respect of a film that, under section 161 (3) (c) or section 168 (3) (b) or section 171 (3) (a) of the Act, is deemed to have been classified as objectionable.

59. Assignment of rating or classification where conflicting decisions—(1) This regulation applies in respect of any film (being a film to which this Part of these regulations applies) in any case where, because decisions have been made in respect of that film under both the Films Act 1983 and the Video Recordings Act 1987, it is not possible to assign one equivalent rating or classification to that film in accordance with regulation 57 of these regulations.

(2) Where, pursuant to regulation 58 of these regulations, the labelling body is required to issue a label in respect of a film to which this regulation applies, the labelling body shall,—

(a) Where the application of regulation 57 of these regulations would otherwise result in the film having 2 different ratings under the Act, assign to the film the more restrictive of those ratings:

(b) Where the application of regulation 57 of these regulations would otherwise result in the film having both a rating and a classification under the Act, assign to the film that classification:

(c) Where the application of regulation 57 of these regulations would otherwise result in the film having 2 different classifications under the Act, assign to the film the more restrictive of those classifications.

(3) The rating or classification assigned to a film pursuant to this regulation shall be included on the label issued in respect of that film pursuant to regulation 58 of these regulations.

60. Assignment of description—(1) Subject to subclauses (2) to (4) of this regulation, where, in accordance with regulation 58 or, as the case requires, regulation 59 of these regulations, the labelling body has assigned a rating or a classification to a film, the labelling body shall determine whether to assign a description to that film to indicate whether it contains anti-social behaviour, cruelty, violence, crime, horror, sex, or offensive language or behaviour.

(2) Where, in the case of a film that has been classified under the Films Act 1983, a description has been given to the film under section 15 (4) of that Act, the labelling body shall assign to the film that description.

(3) Where a description has been assigned to the film under the Video Recordings Act 1987, the labelling body shall assign to the film that description.

(4) Notwithstanding anything in subclauses (2) and (3) of this regulation, where the application of those subclauses would otherwise result in the film being assigned 2 different descriptions, the labelling body may—

- (a) Assign to the film whichever of those 2 descriptions the labelling body considers is the more appropriate; or
- (b) Assign to the film any other description that the labelling body considers appropriate.

61. Assessment of new trailers included on film—(1) This regulation applies where,—

- (a) In accordance with regulation 58 of these regulations, an application is made under section 9 (1) of the Act for the issue of a label in respect of a film to which this Part of these regulations applies; and
- (b) There is included on the film any trailer (in this regulation referred to as the new trailer) that was not included on the film when a rating or classification was given to the film under the Films Act 1983 or, as the case requires, the Video Recordings Act 1987.

(2) Notwithstanding anything in regulation 58 or regulation 59 of these regulations, where this regulation applies, the labelling body shall, in addition to determining the equivalent rating or classification of the film under this Act, assess the new trailer for the purpose of determining whether or not that trailer is consistent in character with the main feature on the film.

(3) For the purposes of this regulation, a trailer is consistent in character with the main feature on a film if,—

- (a) Where that trailer advertises one or more films (not being the main feature on the film on which the trailer is included) to which ratings have been assigned or that have been classified under the Act, every film so advertised—

(i) Has assigned to it a rating that is the same as, or is less restrictive than, the equivalent rating or classification of the film under the Act, as determined in accordance with regulation 57 or, as the case requires, regulation 59 of these regulations; or

(ii) Has a classification that indicates that the film is suitable for the same audience as, or for a more general audience than, the audience referred to in the equivalent rating or classification of the film under the Act, as so determined; and

- (b) Whether or not the trailer advertises any film, the trailer does not contain material that, if that trailer were assessed under regulation 10 of these regulations as a film in its own right, and having regard to the matters specified in subclause (2) of that regulation, would, in the opinion of the labelling body, result in the trailer receiving a rating or a classification that is more restrictive than the equivalent rating or classification of the film under the Act, as determined in accordance with regulation 57 or, as the case requires, regulation 59 of these regulations.

(4) Notwithstanding anything in regulation 58 or regulation 59 of these regulations, where, after making an assessment of any trailer under subclause (2) of this regulation, the labelling body is not satisfied that the trailer is consistent in character with the main feature on the film on which the trailer is included, the labelling body shall not issue a label in respect of the film, but shall submit it to the Classification Office in accordance with section 12 (1) of the Act.

62. Old labels to be obscured—Where the labelling body issues a label in respect of a film to which this Part of these regulations applies, and that film already has displayed on it a label issued under the Video Recordings Act 1987, regulation 20 of these regulations shall be deemed—

- (a) To require the new label to be so affixed to the film that the old label is so far as possible no longer visible; or
- (b) Where it is not possible to comply with the requirement specified in paragraph (a) of this subclause, to require the old label to be permanently obscured by some other means, or to be removed.

Film Posters Approved under Films Act 1983

63. Film posters approved under Films Act 1983—(1) Subject to subclause (3) of this regulation, every film poster in respect of which an approval given under the Films Regulations 1984 is subsisting immediately before the 1st day of October 1994 shall be deemed, for the purposes of these regulations, to be approved under these regulations.

(2) Where any application is made under section 9 (1) of the Act to the labelling body for the issue of a label in respect of any film to which this Part of these regulations applies, nothing in Part III of these regulations requires the submission to the labelling body of any film poster relating to that film in any case where that film poster is deemed by subclause (1) of this regulation to be approved under these regulations.

(3) Where, in accordance with regulation 58 of these regulations, the labelling body issues a label in respect of a film to which this Part of these regulations applies, any film poster to which subclause (1) of this regulation applies and that is used or intended to be used in relation to the advertising of that film to the public shall show, in accordance with regulation 38 of these regulations, the content of that label.

Compliance with Requirements of Films Act 1983 or Video Recordings Act 1987

64. Compliance with requirements of Films Act 1983—(1) This regulation applies to any film in respect of which there applies a decision to which section 168 of the Act applies, being a decision approving the film for exhibition.

(2) Where, before the earlier of the 1st day of April 1999 or the sooner issue of a label under the Act in respect of the film, any film to which this regulation applies is exhibited to the public, and that film is so exhibited in compliance with all of the requirements of the Films Act 1983 that, immediately before the 1st day of October 1994, applied in respect of the public exhibition of that film, that film shall be deemed to be exhibited to the public in compliance with those requirements of the Act and these regulations that would otherwise apply with respect to the public exhibition of that film.

(3) Every occupier of premises (not being being a private residence) where any film to which this regulation applies is exhibited to the public shall display, in a conspicuous position in the lobby of the premises or outside the entrance to those rooms in which the film is exhibited, at all times while the premises are open to the public, a notice that complies

with the requirements that, immediately before the commencement of these regulations, were prescribed by regulation 21 of the Films Regulations 1984.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who, being the occupier of premises (other than a private residence) where any film to which this regulation applies is exhibited to the public,—

- (a) Fails without reasonable excuse to display the notice required by subclause (3) of this regulation; or
- (b) Without reasonable excuse displays any such notice otherwise than in accordance with the requirements of subclause (3) of this regulation.

65. Compliance with requirements of Video Recordings Act

1987—(1) This regulation applies to any film in respect of which a label has been issued under the Video Recordings Act 1987, where the decision authorising the issue of the label is subsisting immediately before the 1st day of October 1994.

(2) Where, before the earlier of the 1st day of April 1999 or the sooner issue of a label under the Act in respect of the film, any film to which this regulation applies is supplied to the public or offered for supply to the public, and that film is so supplied or offered for supply in compliance with all of the requirements of the Video Recordings Act 1987 that, immediately before the 1st day of October 1994, applied in respect of the public supply of that film or, as the case requires, the offering of the film for supply to the public, that film shall be deemed to be supplied to the public or, as the case requires, offered for supply to the public in compliance with those requirements of the Act and these regulations that would otherwise apply with respect to the public supply of that film or, as the case requires, the offering of the film for supply to the public.

(3) Every occupier of premises (not being being a private residence) where any film to which this regulation applies is supplied to the public or offered for supply to the public shall display, in a conspicuous position, as near as practicable to the counter where transactions are made, at all times while the premises are open to the public, a notice that complies with the requirements that, immediately before the commencement of these regulations, were prescribed by regulation 23 of the Video Recordings Regulations 1987.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who, being the occupier of premises (other than a private residence) where any film to which this regulation applies is supplied to the public or offered for supply to the public,—

- (a) Fails without reasonable excuse to display the notice required by subclause (3) of this regulation; or
- (b) Without reasonable excuse displays any such notice otherwise than in accordance with the requirements of subclause (3) of this regulation.

Expiry of This Part

66. Expiry of this Part—This Part of these regulations shall expire with the close of the 31st day of March 1999.

SCHEDULES

FIRST SCHEDULE

Regs. 16, 17

LABELS

DIAGRAM A

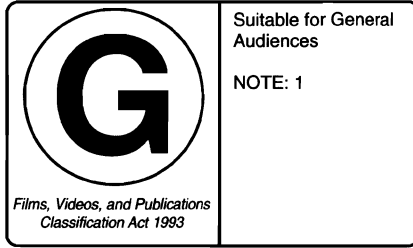


DIAGRAM B

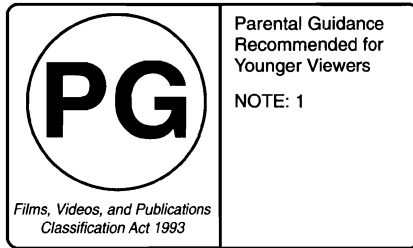
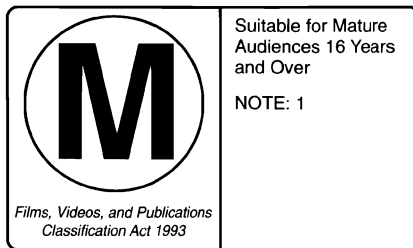


DIAGRAM C



FIRST SCHEDULE—*continued*

LABELS—*continued*

DIAGRAM D

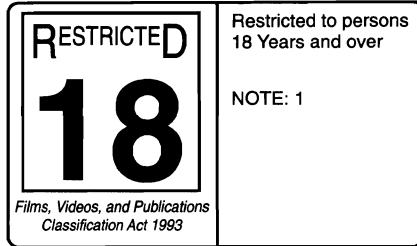
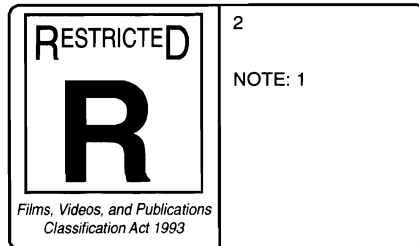


DIAGRAM E



NOTES TO FIRST SCHEDULE:

1. Insert any description assigned to the film by the labelling body or the Office of Film and Literature Classification.
2. Insert the restriction imposed by the Office of Film and Literature Classification or the Film and Literature Board of Review.

—

SECOND SCHEDULE

FORMS

Form 1

Reg. 44

APPLICATION FOR REVIEW BY FILM AND LITERATURE BOARD OF REVIEW
Section 47, Films, Videos, and Publications Classification Act 1993

To: The Secretary for Internal Affairs
Department of Internal Affairs
Private Bag
WELLINGTON

1. Pursuant to section 47 of the Films, Videos, and Publications Classification Act 1993, I hereby apply for a review, by the Film and Literature Board of Review, of the publication specified in paragraph 2 of this application.

I am making this application pursuant to paragraph (a) (or (b) or (c) or (d) or (e)) of section 47 (2) of the Films, Videos, and Publications Classification Act 1993.

The decision of the Classification Office in respect of the publication was recorded in a list produced in accordance with section 40 of that Act and published on [Insert date].

2. The particulars of the publication are: [Insert particulars sufficient to identify the publication].

3. My name and address are as follows:

Name: [Insert Full Name]

Address: [Insert Address].

4. The application fee of \$..... is enclosed.

.....
Signature of Applicant

.....
Date

SECOND SCHEDULE—*continued*FORMS—*continued*

Reg. 47

Form 2

No. /19....

SEARCH WARRANT

Section 109, Films, Videos, and Publications Classification Act 1993

To every Inspector and every member of the Police:

I am satisfied on an application in writing made on oath by [*Full Name*], an Inspector of Publications (*or a member of the Police*), that there are reasonable grounds for believing that there is in (*or on*) [*Here describe place or thing that may be searched pursuant to the warrant*] the following property [*Here insert description of the kind of property to be searched for and seized*], being—

An objectionable publication that there are reasonable grounds to believe is being kept for the purpose of being so dealt with as to constitute an offence against section 123 (*or section 124 or section 127 or section 129*) of the Films, Videos, and Publications Classification Act 1993.

OR

A thing that there are reasonable grounds to believe will be evidence of the commission of an offence against section 123 (*or section 124 or section 127 or section 129*) of the Films, Videos, and Publications Classification Act 1993.

OR

A thing that there are reasonable grounds to believe is intended to be used for the purpose of committing an offence against section 123 (*or section 124 or section 127 or section 129*) of the Films, Videos, and Publications Classification Act 1993.

This warrant authorises you, at any time by day or night within [*Here specify the period during which the warrant may be executed, which may not exceed 14 days from the date of issue*] days of the date of the issue of this warrant to enter and search the said.....

In exercising the authority conferred by this warrant, you may—

- (a) Use such assistants as may be reasonable in the circumstances for the purpose of the entry and search; and
- (b) Use such force as is reasonable in the circumstances for the purpose of effecting entry, and for breaking open anything in or on the place searched; and
- (c) Search for and seize the property described in this warrant.

This warrant is subject to the following special conditions: [*Specify*].

The power to enter and search any place or thing pursuant to this warrant may be exercised on one occasion only.

When executing this warrant you are required to comply with sections 112 and 113 (1) of the Films, Videos, and Publications Classification Act 1993.

SECOND SCHEDULE—*continued*

FORMS—*continued*

Form 2—*continued*

SEARCH WARRANT—*continued*

If you seize any property pursuant to this warrant, you are required to comply with section 113 (2) of the Films, Videos, and Publications Classification Act 1993.

Dated at this day of
19.....

.....
District Court Judge (*or* Justice of
the Peace *or* Registrar (not being a
member of the Police)).

Reg. 55

**THIRD SCHEDULE
REGULATIONS REVOKED**

Title	Statutory Regulations Serial Number
The Indecent Publications Regulations 1964 ..	1964/28
The Films Regulations 1984	1984/77
The Video Recordings Regulations 1987 ..	1987/251
The Films Regulations 1984, Amendment No. 2 ..	1988/184
The Video Recordings Regulations 1987, Amendment No. 1	1989/152
The Video Recordings Regulations 1987, Amendment No. 2	1990/212
The Films Regulations 1984, Amendment No. 4 ..	1990/213
The Films Regulations 1984, Amendment No. 5 ..	1991/138
The Video Recordings Regulations 1987, Amendment No. 3	1991/139

FOURTH SCHEDULE

Reg. 57

EQUIVALENT RATINGS AND CLASSIFICATIONS

Classification under Films Act 1983	Equivalent Rating or Classification under Films, Videos, and Publications Classification Act 1993	Rating or Classification under Video Recordings Act 1987
Approved for general exhibition (G).	Suitable for general audiences.	Suitable for general audiences.
<p>Approved for general exhibition: recommended as more suitable for persons 13 years of age and over (GY).</p> <p>Approved for general exhibition: recommended as more suitable for adults (GA).</p> <p>Approved for general exhibition followed by a recommendation that is introduced by an asterisk (G*).</p>	Parental guidance recommended for younger viewers.	Parental guidance recommended for persons under 13 years of age.
Approved for exhibition only to persons years of age and over and to any person under that age when accompanied by that person's parent or guardian (RP (followed by a specified age)).	Suitable for mature audiences 16 years of age and over.	Suitable for persons 13 years of age and over. Suitable for persons 16 years of age and over.
Approved for exhibition only to persons 16 years of age and over (R16).	Objectionable except if the availability of the film is restricted to persons who have attained the age of 16 years.	Indecent in the hands of persons under 16 years of age.

FOURTH SCHEDULE—*continued*EQUIVALENT RATINGS AND CLASSIFICATIONS—*continued*

Classification under Films Act 1983	Equivalent Rating or Classification under Films, Videos, and Publications Classification Act 1993	Rating or Classification under Video Recordings Act 1987
<p>Approved for exhibition only to persons 18 years of age and over (R18).</p> <p>Approved for exhibition only to persons 20 years of age and over (R20).</p> <p>Approved for exhibition only at one or more specified film festivals (whether or not the classification also restricts the exhibition of the film to persons of or over a specified age) (RFF).</p> <p>Approved for exhibition only to members of approved film societies (whether or not the classification also restricts the exhibition of the film to persons of or over a specified age) (RFS).</p>	<p>Objectionable except if the availability of the film is restricted to persons who have attained the age of 18 years.</p>	<p>Indecent in the hands of persons under 18 years of age.</p>

FOURTH SCHEDULE—*continued*EQUIVALENT RATINGS AND CLASSIFICATIONS—*continued*

Classification under Films Act 1983	Equivalent Rating or Classification under Films, Videos, and Publications Classification Act 1993	Rating or Classification under Video Recordings Act 1987
<p>Approved for exhibition, with a statement (the statement being introduced by an asterisk) of the class or description of persons to whom the film may be exhibited and the places, dates, and times (or any of them) where or when the film may be exhibited (R*).</p>	<p>Objectionable except if—</p> <p>(a) The availability of the film is restricted to specified persons or classes of persons; or</p> <p>(b) The film is used for one or more specified purposes.</p> <p>Note: The terms of the classification shall correspond as near as may be to the terms of the classification under the Films Act 1983 or, as the case may be, the Video Recordings Act 1987.</p>	<p>Indecent unless its circulation is restricted to specified persons or classes of persons. Indecent unless viewed or used for a particular purpose.</p>

MARIE SHROFF,
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 October 1994, prescribe the procedures for the assigning of ratings to films under the Films, Videos, and Publications Classification Act 1993, the issue of labels in respect of films so rated, and certain other related matters. These regulations replace the Films Regulations 1984, the Video Recordings Regulations 1987, and the Indecent Publications Regulations 1964, which are consequentially revoked.

Part II relates to the assignment of ratings to films and the issue of labels in respect of films, and prescribes the form of such labels and the method of affixing them.

Part III prescribes the procedures for the approval of film posters by the labelling body and the Classification Office.

Part IV prescribes the form and content of the Register of Classification Decisions, and of the lists of classification decisions produced pursuant to section 40 of the Films, Videos, and Publications Classification Act 1993.

Part V prescribes requirements relating to the public notification of the rating or classification of a film at the premises where the film is exhibited to the public, and on posters and other advertising material relating to the film. It also includes a requirement that occupiers of premises where films are supplied or exhibited to the public display a notice explaining the rating and classification system.

Part VI prescribes the procedure for applying for the leave of the Secretary for Internal Affairs to seek a review of a publication by the Film and Literature Board of Review, and prescribes the form of the application for such a review.

Part VII contains miscellaneous provisions relating to offences, search warrants, the service of notices, and certain other matters.

Part VIII prescribes transitional provisions relating to films that have been rated or classified under the Films Act 1983 or the Video Recordings Act 1987, or both. The Part will expire at the end of March 1999.

Regulation 57 and the *Fourth Schedule* set out, in relation to existing ratings and classifications, the equivalent ratings and classifications under the Films, Videos, and Publications Classification Act 1993.

Regulations 58 to 61 set out the procedures relating to the issue of a new label under the Films, Videos, and Publications Classification Act 1993 in respect of a film that has an existing rating or classification, or both.

Regulation 63 provides that film posters approved under the Films Act 1983 are deemed to be approved under the new regulations.

Regulations 64 and *65* provide that, until the end of March 1999 or the sooner issue of a label under the new regulations, a film that has been rated or classified under the Films Act 1983 or the Video Recording Act 1987 may continue to be exhibited or supplied to the public in compliance with the requirements of the Act under which it was so rated or classified, and compliance with those requirements is deemed to be compliance with the requirements of the Films, Videos, and Publications Classification Act 1993. A person who supplies or exhibits such a film is required to display a notice explaining the existing rating or classification regime applicable to the film.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 1 September 1994.

These regulations are administered in the Department of Internal Affairs.