



**THE FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION  
(FEES) 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 section 149 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.

ANALYSIS

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## REGULATIONS

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

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

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

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

“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.

(2) 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. Fees**—Subject to these regulations, the fees specified in Part I of the Schedule to these regulations shall be payable in respect of the matters specified in that Part of that Schedule.

**4. Urgent examination of publication or film poster**—(1) Where—

(a) Either—

(i) A publication is submitted to the Classification Office under section 12 or section 15 or section 42 of the Act; or

(ii) A film poster is submitted to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994; and

(b) The person or body by which the submission is made,—

(i) In the case of a publication submitted to the Classification Office under section 12 or section 42 of the Act or a film poster submitted to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994, requests that examination and classification of the publication or, as the case requires, examination of the film poster be completed within 3 working days after receipt of the request or, as the case may require, receipt of the publication or film poster by the Classification Office; or

(ii) In the case of a publication submitted to the Classification Office under section 15 of the Act, requests that a decision on whether or not leave is to be granted for the publication to be submitted to the Classification Office, and, if leave is so given, that examination and classification of the publication, be completed within 3 working days after receipt of the request or, as the case may be, receipt of the publication by the Classification Office,—

there shall be payable, in addition to the fee prescribed by these regulations in respect of that submission, an additional fee equal to 50 percent of the fee so prescribed.

(2) If examination and classification of the publication or, as the case requires, examination of the film poster is not completed within that period, the additional fee shall not be payable or, if already paid, shall be refunded.

(3) Notwithstanding anything in subclause (1) of this regulation, the Chief Censor may, if he or she considers, in any particular case, that it would be unreasonable or unfair or unduly burdensome to require the payment of the additional fee prescribed by that subclause, or the payment of the whole of that additional fee, the Chief Censor may waive, in whole or in part, the payment of that additional fee.

(4) Nothing in this regulation requires the Classification Office or the Chief Censor to comply with any request that urgency be given to any matter to which this regulation applies.

**5. Special fees payable by members of public and organisations with special interest**—Notwithstanding anything in regulation 3 or regulation 10 of these regulations, but subject to regulations 4, 8, and 9 of these regulations, the fees specified in Part II of the Schedule to these regulations shall be payable in respect of any submission or application specified in that Part of that Schedule in any case where the Chief Censor or, as the case requires, the Secretary is satisfied that the submission or application is made by a person or organisation that has no commercial, occupational, professional, or other interest in the publication to which the submission or application relates, other than—

(a) An interest no greater than the public generally; or

(b) An interest as the owner of the publication; or

(c) An interest arising from the fact that,—

(i) In the case of an organisation, the objects or aims of the organisation give that organisation a special concern regarding the censorship of publications; or

(ii) In the case of a person, the person is a member of such an organisation.

**6. Reduced fees for charitable organisations, etc.**—

(1) Notwithstanding anything in regulation 3 or regulation 10 of these regulations, the fee payable in respect of the submission of a publication to the Classification Office under section 12 or section 15 or section 42 of the Act, or the submission of a film poster to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994, shall be 25 percent of the fee prescribed in respect of such a submission by regulation 3 of these regulations in any case where—

(a) Either—

(i) In the case of the submission of a publication to the Classification Office by the labelling body under section 12 of the Act, the application for the issue of a label in respect of the publication was made to the labelling body by or on behalf of a society, an organisation, or an individual; or

- (ii) In any other case, the publication or film poster is submitted to the Classification Office by or on behalf of a society, an organisation, or an individual; and
- (b) The society, organisation, or individual is conducting activities of a charitable, philanthropic, religious, educational, recreational, cultural, or social nature; and
- (c) The Chief Censor is satisfied that the primary object of the society, organisation, or individual is other than private gain, whether or not—
  - (i) The society, organisation, or individual intends to make the publication (or, in the case of the submission of a film poster, the publication to which the film poster relates) available to the public or any section of the public or to members of any society or organisation; or
  - (ii) Any fee or other payment is to be charged by the society, organisation, or individual in respect of the making available of the publication (or, in the case of the submission of a film poster, the publication to which the film poster relates); and
- (d) No consideration (whether in money or money's worth) given directly or indirectly to the society, organisation, or individual in relation to the making available of the publication (or, in the case of the submission of a film poster, the publication to which the film poster relates) is to be appropriated for the private gain of any individual, except to the extent that a reasonable amount may be paid to any person or persons (other than the society, organisation, or individual) in respect of the use of any premises, or the use or operation of any equipment, or the provision of any other assistance, reasonably required for the purpose of making the publication available.

(2) Notwithstanding anything in regulation 3 or regulation 10 of these regulations, the fee payable in respect of an application under section 47 of the Act for a review of a publication shall be 25 percent of the fee prescribed in respect of such an application by regulation 3 of these regulations in any case where,—

- (a) In the case of a publication that was submitted to the Classification Office by the labelling body under section 12 of the Act,—
  - (i) The application is made—
    - (A) By the labelling body; or
    - (B) By or on behalf of the society, organisation, or individual by or on whose behalf the application for the issue of a label in respect of the publication was made to the labelling body; and
  - (ii) The labelling body was entitled, pursuant to subclause (1) of this regulation, to a reduction of the fee payable in respect of the submission of that publication to the Classification Office; or
- (b) In any other case,—
  - (i) The application is made by the person who submitted the publication to the Classification Office under section 15 or section 42 of the Act; and
  - (ii) That person was entitled, pursuant to subclause (1) of this regulation, to a reduction of the fee payable in respect of that submission.

**7. Waiver of fees in special circumstances**—(1) Notwithstanding anything in these regulations, the Chief Censor may, if he or she considers, in any particular case, that it would be unreasonable or unfair or unduly burdensome to require the payment of the whole of any fee prescribed by these regulations in respect of the submission of a publication to the Classification Office under section 12 or section 15 or section 42 of the Act, or the submission of a film poster to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994, the Chief Censor may waive the payment of such portion of that fee (not exceeding 75 percent of the fee) as the Chief Censor thinks fit.

(2) Without limiting subclause (1) of this regulation, in determining whether or not to grant any waiver pursuant to that subclause, and in determining the extent of any such waiver, the Chief Censor shall take into account the following matters:

- (a) The age of the publication (whether the copy submitted is an original or a subsequent edition):
- (b) Any value or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, historical, or other matters:
- (c) The extent to which the publication is available in New Zealand (whether or not in the same format or edition in which the publication is submitted):
- (d) The purpose for which the publication is intended to be used:
- (e) The commercial gains (if any) likely to be derived from the use of the publication:
- (f) Any other special circumstance relating to the publication, or its intended use, or the reason for its submission to the Classification Office.

(3) In the case of the submission of a film poster to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994, the references in subclause (2) of this regulation to the publication shall be read as references to the publication to which the film poster relates.

(4) Notwithstanding anything in these regulations, where—

- (a) An application is made under section 47 of the Act for a review of a publication; and
- (b) Either—
  - (i) In the case of a publication that was submitted to the Classification Office by the labelling body under section 12 of the Act, the application is made by the labelling body or by the person who applied to the labelling body for the issue of a label in respect of the publication; or
  - (ii) In any other case, the application is made by the person who submitted the publication to the Classification Office under section 15 or section 42 of the Act; and
- (c) A percentage of the fee payable in respect of the submission of that publication to the Classification Office was waived, pursuant to subclause (1) of this regulation, by the Chief Censor,—  
the fee payable by the applicant in respect of that application under section 47 of the Act shall be reduced by the same percentage.

**8. Fee for publications submitted as a group**—(1) This regulation applies where—

- (a) Any person submits 2 or more publications to the Classification Office under section 12 or section 15 or section 42 of the Act, those submissions being made at the same time (whether or not those publications are submitted under the same provision); or
- (b) Any person applies under section 47 of the Act for a review of 2 or more publications, those applications being made at the same time; or
- (c) Any person submits 2 or more film posters to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994, where—
  - (i) Those submissions are made at the same time; and
  - (ii) Those film posters relate to the same film.

(2) Where paragraph (a) or paragraph (b) of subclause (1) of this regulation applies, the Chief Censor (in any case where paragraph (a) of that subclause applies) or the Secretary (in any case where paragraph (b) of that subclause applies) may treat as one publication any 2 or more of the publications submitted or, as the case requires, in respect of which the applications are made, and require the payment of only one fee under these regulations in respect of the publications so treated, in any case where—

- (a) The publications so treated (not being films) are able to be examined or, as the case requires, reviewed together by reason that they relate to substantially the same subject-matter or are otherwise similar in character; and
  - (b) Having regard to the nature of the publications concerned, it would be unreasonable or unfair or unduly burdensome to require the payment of a separate fee in respect of each of those publications.
- (3) Where subclause (1)(c) of this regulation applies, only one fee shall be payable under these regulations in respect of the film posters.

**9. Temporary exemption for private owners of unclassified publications**—Notwithstanding anything in these regulations, no fee shall be payable under these regulations in respect of any notice of submission lodged under section 15 of the Act where that notice of submission is lodged—

- (a) Before the 1st day of January 1995; and
- (b) In respect of a publication that was available in New Zealand before the 1st day of October 1994, not being a publication—
  - (i) In respect of which there applies a decision to which section 152 or section 161 or section 168 of the Act applies; or
  - (ii) That is a video recording in respect of which a label has been issued under the Video Recordings Act 1987; and
- (c) By a person or organisation that has no commercial, occupational, professional, or other interest in the publication other than an interest as owner.

**10. Reduced fees payable during transitional period**—(1) Notwithstanding anything in regulation 3 of these regulations, but subject to regulations 4 to 9 of these regulations, during the period beginning with the commencement of these regulations and ending with

the close of the 31st day of March 1999, the fees specified in Part III of the Schedule to these regulations shall be payable in respect of the matters specified in that Part of that Schedule.

(2) This regulation applies only in respect of the following publications:

- (a) Any film to which Part VIII of the Films, Videos, and Publications Classification Regulations 1994 applies:
- (b) Any publication (other than a film) that was available in New Zealand before the 1st day of October 1994, not being a publication in respect of which there applies a decision to which section 152 of the Act applies.

**11. No fees payable by officials**—No fee shall be payable under these regulations by the Comptroller of Customs or the Secretary.

**12. Payment of fees**—(1) Subject to subclause (6) of this regulation, all fees payable under these regulations in respect of the submission of a publication to the Classification Office under section 12 or section 15 or section 42 of the Act shall be paid to the Chief Censor,—

- (a) In the case of the submission of a publication under section 12 or section 42 of the Act, on the lodging of the submission with the Classification Office:
- (b) In the case of the submission of a publication under section 15 of the Act, on the lodging of the notice of submission with the Classification Office.

(2) Subject to subclause (6) of this regulation, all fees payable under these regulations in respect of the submission of a film poster to the Classification Office under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994 shall be paid to the Chief Censor on the lodging of the submission with the Classification Office.

(3) Subject to subclause (6) of this regulation, the fee payable under these regulations in respect of an application under section 44 of the Act shall be paid to the Chief Censor on the lodging of the application.

(4) Subject to subclause (6) of this regulation, the fee payable under these regulations in respect of an application for a review under section 47 of the Act shall be paid to the Secretary on the lodging of the application with the Secretary.

(5) Subject to subclause (6) of this regulation, where any additional fee is payable under regulation 4 of these regulations in respect of a request that urgency be given to any matter, that fee shall be paid to the Chief Censor on the making of the request.

(6) The Chief Censor or, as the case may be, the Secretary may from time to time agree with any person to accept on a monthly accounting basis any fees from time to time payable by that person under these regulations in respect of any matter.

**13. Refunds**—(1) Where—

- (a) Any application or submission in respect of which a fee is payable under these regulations is withdrawn before consideration of it has commenced; or
- (b) In the case of a notice of submission lodged under section 15 of the Act, the Chief Censor refuses to grant leave for the publication to which the notice relates to be submitted to the Classification Office,—

no fee shall be payable under these regulations in respect of that application or, as the case requires, that submission or notice of submission, and if any such fee has been paid it shall be refunded.

(2) Where—

(a) Any fee payable under these regulations is waived in whole or in part;  
and

(b) The whole or any part of that fee has already been paid,—  
the amount or, as the case may require, the appropriate part of the amount so paid shall be refunded.

**14. Fees inclusive of goods and services tax**—The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

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## SCHEDULE

## FEES

## Part I

Reg. 3

*Standard Fees*

\$

1. Submission of film under section 12 or section 15 or section 42 of the Act—	
(a) Where the film has a running-time of not more than 35 minutes	200
(b) Where the film has a running-time exceeding 35 minutes but not exceeding 135 minutes	600
(c) Where the film has a running-time exceeding 135 minutes	700
2. Submission of book under section 15 or section 42 of the Act	100
3. Submission of publication (other than a film or a book) under section 15 or section 42 of the Act	80
4. Application for an exemption under section 44 of the Act	100
5. Application under section 47 of the Act for a review of a film—	
(a) Where the film has a running-time of not more than 35 minutes	400
(b) Where the film has a running-time exceeding 35 minutes	900
6. Application under section 47 of the Act for a review of a book	500
7. Application under section 47 of the Act for a review of a publication (other than a film or a book)	350
8. Submission of film poster under regulation 27 (3) or regulation 27 (4) of the Films, Videos, and Publications Classification Regulations 1994	80

## Part II

Reg. 5

*Fees Payable by Persons and Organisations with Special Interests*

\$

1. Submission of publication under section 15 or section 42 of the Act	25
2. Application under section 47 of the Act for a review of a publication	200

SCHEDULE—*continued*FEES—*continued*

Reg. 10

## Part III

*Fees Payable during Transitional Period*

	\$
1. Submission of film under section 12 or section 15 of the Act—	
(a) Where the film has a running-time of not more than 35 minutes . . . . .	100
(b) Where the film has a running-time exceeding 35 minutes but not exceeding 135 minutes . . . . .	200
(c) Where the film has a running-time exceeding 135 minutes	300
2. Submission of book under section 15 of the Act . . . . .	50
3. Submission of publication (other than a book or a film) under section 15 of the Act . . . . .	40

**MARIE SHROFF,**  
Clerk of the Executive Council.

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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 fees payable under the Films, Videos, and Publications Classification Act 1993.

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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.