

Version
as at 6 May 2022



Films, Videos, and Publications Classification (Fees) Regulations 1994

(SR 1994/190)

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.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Department of Internal Affairs.

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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 1 October 1994.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
the Act means the Films, Videos, and Publications Classification Act 1993
online publication has the meaning given in section 119A of the Act
trailer means a short film that is used primarily for advertising any 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.

Regulation 2(1) **online publication**: inserted, on 6 May 2022, by regulation 4 of the Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102).

Regulation 2(1) **running time**: revoked, on 1 July 1996, by regulation 2 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

Regulation 2(1) **trailer**: added, on 1 July 1996, by regulation 2 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

3 Fees

- (1) Subject to these regulations, in respect of the period beginning on 1 July 1996 and ending with the close of 30 June 1997, the fees specified in column A of Part 1 of the Schedule, together with any additional fees provided for in that Part, shall be payable in respect of the matters specified in that Part.

- (2) Subject to these regulations, on and after 1 July 1997, the fees specified in column B of Part 1 of the Schedule, together with any additional fees provided for in that Part, shall be payable in respect of the matters specified in that Part.

Regulation 3: substituted, on 1 July 1996, by regulation 3 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

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 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 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% 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), 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.

Regulation 4(1)(a)(ii): amended, on 1 July 1996, by regulation 4 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

Regulation 4(1)(b)(i): amended, on 1 July 1996, by regulation 4 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

5 Special fees payable by members of public and organisations with special interest

Notwithstanding anything in regulation 3 or regulation 10, but subject to regulations 4, 8, and 9, the fees specified in Part 2 of the Schedule shall be payable in respect of any submission or application specified in that Part 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, 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 of the Films, Videos, and Publications Classification Regulations 1994, shall be 25% of the fee prescribed in respect of such a submission by regulation 3 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, the fee payable in respect of an application under section 47 of the Act for a review of a publication shall be 25% of the fee prescribed in respect of such an application by regulation 3 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), 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), to a reduction of the fee payable in respect of that submission.

Regulation 6(1): amended, on 1 July 1996, by regulation 5 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

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 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% of the fee) as the Chief Censor thinks fit.
- (2) Without limiting subclause (1), 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 of the Films, Videos, and Publications Classification Regulations 1994, the references in subclause (2) 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), 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.

Regulation 7(1): amended, on 1 July 1996, by regulation 6 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

Regulation 7(3): amended, on 1 July 1996, by regulation 6 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

8 Fee for publications submitted as a group

- (1) Subclause (2) applies where—
 - (a) any person submits 2 or more publications to the Classification Office under section 12 or section 14A 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.
- (2) Where this subclause applies, the Chief Censor (in any case where paragraph (a) of subclause (1) 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) Subclause (4) applies where any person submits 2 or more film posters to the Classification Office under regulation 27 of the Films, Videos, and Publications Classification Regulations 1994, where—
- (a) those submissions are made at the same time; and
 - (b) those film posters relate to the same film.
- (4) Where this subclause applies, the Chief Censor may treat as one film poster any 2 or more film posters submitted, and require the payment of only one fee under these regulations in respect of the film posters so treated, in any case where,—
- (a) the film posters so treated are able to be examined 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 film posters concerned, it would be unreasonable or unfair or unduly burdensome to require payment of a separate fee in respect of each of those film posters.

Regulation 8: substituted, on 1 July 1996, by regulation 7 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

Regulation 8(1)(a): amended, on 6 May 2022, by regulation 5 of the Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102).

9 Temporary exemption for private owners of unclassified publications

[Revoked]

Regulation 9: revoked, on 1 July 1996, by regulation 8 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

10 Reduced fees payable during transitional period

- (1) Notwithstanding anything in regulation 3, but subject to regulations 4 to 9, during the period beginning with the commencement of these regulations and ending with the close of 31 March 1999, the fees specified in Part 3 of the Schedule shall be payable in respect of the matters specified in that Part.
- (2) This regulation applies only in respect of the following publications:
- (a) any film to which Part 8 of the Films, Videos, and Publications Classification Regulations 1994 applies:
 - (b) any publication (other than a film) that was available in New Zealand before 1 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 chief executive of the New Zealand Customs Service or the Secretary.

Regulation 11: amended, on 1 October 1996, pursuant to section 294(3) of the Customs and Excise Act 1996 (1996 No 27).

12 Payment of fees

- (1) Subject to subclause (6), all fees payable under these regulations in respect of the submission of a publication to the Classification Office under section 12 or section 14A 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 14A 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.
- (1A) Notwithstanding subclause (1), but subject to subclause (6), where any fee payable under these regulations consists of an initial fee plus an additional fee calculated at a specified rate per hour, then the initial fee shall be paid in accordance with subclause (1), and the additional fee shall be paid, on demand, to the Chief Censor when the work to which the hourly fee relates has been completed.
- (2) Subject to subclause (6), all fees payable under these regulations in respect of the submission of a film poster to the Classification Office under regulation 27 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), 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), 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), where any additional fee is payable under regulation 4 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.

Section 12(1): amended, on 6 May 2022, by regulation 6 of the Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102).

Section 12(1)(a): amended, on 6 May 2022, by regulation 6 of the Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102).

Regulation 12(1A): inserted, on 1 July 1996, by regulation 9(1) of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

Regulation 12(2): amended, on 1 July 1996, by regulation 9(2) of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

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.

Schedule Fees

Part 1 Standard fees

r 3

Schedule Part 1: substituted, on 1 July 1996, by regulation 10 of the Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126).

		Column A <i>Effective</i> 1 July 1996	Column B <i>Effective</i> 1 July 1997
1	Submission of film (other than a video recording, a trailer, or a CD-ROM) under section 12 or section 15 or section 42 of the Act or submission of online publication under section 14A of the Act	\$1,100	\$1,100
2	Submission of video recording (other than a trailer or a CD-ROM) under section 12 or section 15 or section 42 of the Act	\$1,000	\$1,000
3	Submission of trailer (other than a CD-ROM) under section 12 or section 15 or section 42 of the Act	\$500	\$500
4	Submission of CD-ROM under section 12 or section 15 or section 42 of the Act, an initial fee of Plus an additional fee calculated at the rate of \$100 for every hour or part of an hour for time in excess of 5 hours spent examining the CD-ROM	\$1,400	\$1,400
5	Submission of book under section 15 or section 42 of the Act	\$400	\$800
6	Submission of publication (other than a film, a CD-ROM, or a book) under section 15 or section 42 of the Act, an initial fee of Plus an additional fee calculated at the rate of \$100 for every hour or part of an hour for time in excess of 5 hours spent examining the publication	\$400	\$800
7	Application for an exemption under section 44 of the Act	\$100	\$100
8	Application under section 47 of the Act for a review of a film, a video recording, or a CD-ROM (other than a trailer)	\$1,500	\$1,500
9	Application under section 47 of the Act for a review of a trailer (other than a CD-ROM)	\$650	\$650
10	Application under section 47 of the Act for a review of a book	\$800	\$1,100
11	Application under section 47 of the Act for a review of a publication (other than a film, a CD-ROM, or a book)	\$800	\$1,100
12	Submission of a film poster under regulation 27 of the Films, Videos, and Publications Classification Regulations 1994,—		
	(a) where the poster is submitted under regulation 27(1) or regulation 27(2) of those regulations,—		
	(i) for first or only poster	No charge	No charge
	(ii) for each additional poster	\$250	\$250
	(b) where the poster is submitted under regulation 27(3) or regulation 27(4) of those regulations	\$250	\$250

Schedule Part 1 item 1: amended, on 6 May 2022, by regulation 7 of the Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102).

Part 2

Fees payable by persons and organisations with special interests

		r 5
		\$
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

Part 3

Fees payable during transitional period

		r 10
		\$
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.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 September 1994.

Notes

1 *General*

This is a consolidation of the Films, Videos, and Publications Classification (Fees) Regulations 1994 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Films, Videos, and Publications Classification (Fees) Amendment Regulations 2022 (SL 2022/102)

Customs and Excise Act 1996 (1996 No 27): section 294(3)

Films, Videos, and Publications Classification (Fees) Regulations 1994, Amendment No 1 (SR 1996/126)