

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 6 May 1987

VIDEO RECORDINGS BILL

*Proposed Amendments*

Mr LEE, in Committee, to move the following amendments:

*Clause 1 (2):* To omit from line 9 on page 2 the words "Subject to subsection (3) of this section,".

*Clause 1 (3):* To omit this subclause (all the words in lines 11 to 14 on page 2).

*Clause 2:* To omit the definition of the word "Approve" (all the words in lines 17 to 19 on page 2).

To omit the definition of the word "Labelling body" (all the words in lines 1 and 2 on page 3).

To omit from the definition of the word "Ratings" (at lines 5 and 6 on page 3) the words "(as determined in accordance with regulations made under this Act)".

*Part I:* To omit this Part.

*Part II:* To omit from the heading at line 34 on page 12 the word "indecent" and substitute the words "classification of".

*Clause 12:* To omit subclauses (2) to (6) (all of line 38 on page 12 and lines 1 to 22 on page 13), and substitute the following subclauses:

(2) The Authority shall consist of—

(a) A barrister or solicitor of the High Court of not less than 7 years' practice, whether or not he holds or has held any judicial office, who shall be Chairman of the Authority:

(b) Two members representative of persons engaged in the production, distribution or supply of video recordings in New Zealand:

(c) Two other members.

(3) The members of the Authority shall be appointed by the Governor-General of the recommendation of the Minister:

(4) Every member of the Authority shall hold office for a period of 2 years.

(5) The Authority may from time to time appoint such other persons as may be required to assist the Authority in carrying out its functions and powers under this Act.

(6) The Authority shall be funded out of fees paid in respect of the submission of video recordings for classification.

*Clause 13 (1):* To omit the expression "section 12 (2)" at line 26 on page 13 and substitute the expression "section 12 (5)".

*Clause 14:* To insert in clause 14 (a), after the word 'recording', at line 23 on page 14 the words ", cover or associated advertising material".

To omit from paragraph (a) of clause 14 the expression "section 11 or" at line 24 on page 14.

To insert after paragraph (a) of clause 14 the following paragraph (ab) to issue in respect of any such video recording, cover or associated advertising material, a label which contains the classification and description (if any) assigned to that video recording, cover or associated advertising material.

*Clause 15:* To omit subclause 1 to 3 of clause 15, all of lines 1 to 18 on page 15 and substitute the following heading and subclauses:

**15. Submission of video recordings to Authority—**

(1) Subject to subsection (3) and subsection (4) of this section no person shall supply or offer for supply any video recording, or display any cover or associated advertising material of a video recording offered for supply unless the video recording, cover and associated advertising material has been classified and bears a label issued under this Act.

(2) Any person who, in the course of that person's business, produces, distributes, supplies or displays video recordings, covers or associated advertising material may apply to the Authority for classification of any video recording, cover or associated advertising material.

(3) Video recordings, covers and associated material which were available for supply immediately before the commencement of this Act shall be classified by the 1st day of July 1988.

(3A) The Authority may exempt from examination any video recording, cover and associated advertising material it sees fit.

To insert in subclause (4) of clause 15 after the words "video recording" at line 19 on page 15, the words ", cover or associated advertising material".

To omit from subclause (4) of clause 15, at lines 22 and 23 the words "(except where the Secretary is the person making the submission)".

To omit from subclause (5) of clause 15, at lines 29 and 30, the words "or under section 11 of this Act".

*Clause 17:* To omit subclause (1), all of lines 1 to 5 on page 17, and substitute the following subclause:

(1) The Authority shall, as soon as practicable examine every video recording, cover or associated advertising material submitted to it under section 15 or section 23 of this Act, or referred to it under section 23, or referred to it under section 16 (1) or section 22 (3) of this Act, to determine, whether viewing of the video recording, cover or advertising material is or is not likely to be injurious to the public good and shall then determine the classification.

To insert, after the words "video recording" at lines 9, 10, 14 18, 21 and 25 of page 17, the words "cover and associated advertising material".

To insert after paragraph (e) of subclause (2) the following paragraph:

- (f) That in most situations the video recordings will be viewed in the home.

*Clause 19:* To insert after the word "recording" at line 23 on page 18 the words "cover or associated advertising material".

To insert after subclause (1) of clause 19 the following subsections:

(1A) The ratings shall be:

- (i) Family
- (ii) Special Interest
- (iii) Parental Guidance
- (iv) 13
- (v) 16
- (vi) 18

(1B) The Authority shall:

(a) Issue a label in respect of that video recording cover or associated advertising material in accordance with these ratings:

(b) Not issue a label in respect of any video recording, cover or associated advertising material which it has classified as indecent.

*Clause 19A:* To omit from subclause (1) at line 5 on page 19 the words 'section 11 or'.

To omit from subclause 7 (a) the word "and" at line 13 on page 20.

To omit subclause 7 (b), all of lines 14 to 17 on page 20.

*Clause 20:* To omit subclause (2), all of lines 29 to 33 on page 20.

To omit from subclauses (3) and (4) of clause 20, at lines 8 and 21 respectively the words "direct the labelling body to".

To omit from subclause (5) the words "directs the labelling body to issue" at line 26 on page 21, and substitute the word "issues", and further, to omit at lines 28 to 30, the words "by the labelling body, and any previous direction by the Authority to the labelling body to issue a label in respect of that video recording,".

*Clause 20B:* To insert after the word "recording" at line 10 on page 22 the words ", cover or associated advertising material".

To insert after the word "decision" at line 13, the word "and".

To omit from lines 13 to 15, the words "and of the terms of any direction given by the Authority to the labelling body to issue a label in respect of the videos recording."

*Clause 21:* To insert after the word "recording" at line 20, on page 22 the words "cover or associated advertising material".

*Clause 29:* To omit paragraph (b) of subclause (2), all of lines 14 to 16.

New *clause 31B.* To insert after clause 31A on page 28, the following new clause:

**31B. Re-examination of video recordings**—If, at any time after a video recording has been classified, the Minister considers that, having regard to widespread public concern or the apparent effect of the video recording on the general public or on any class of the general public, the further supply of the video recording is likely to be injurious to the public good, he shall, by notice in writing, require any person forthwith to cease supplying the video recording, and, by notice in the *Gazette*, may prohibit the further supply of the video recording until it has been re-examined by the Board.

*Clause 59 (1):* To omit from lines 22 and 23 on page 43 the words "of Part I".

*Clause 59 (6) (a):* To omit from line 22 on page 44 the expression "section 5", and substitute the expression "section 15 (1)".

*Clause 60:* To omit from paragraph (a), at lines 25 and 26 on page 45 the words "examination of video recordings by the labelling body and."

To omit paragraph (c) of clause 60, all of lines 30 to 34 on page 45.

To omit from subparagraph (i) of paragraph (f) the expression "section 11 or", at line 8 on page 46.

*Clause 61 (2):* To insert after paragraph (c) of the definition of "Document", on page 48, the following paragraph:

(d) Any cover or associated advertising material within the meaning of the Video Recordings Act 1987.

#### EXPLANATORY NOTE

*Clause 1:* This recognises the elimination of Part I because of the single body in lieu of the two proposed in the present Bill. It also recognises that in clause 15 (3) a date of 12 months from the implementation of the Act is provided for the processing of all current videotapes.

*Clause 2:* Consequential.

*Clause 12* provides the composition and qualification of the new 5-member Authority. This essentially replaces the Video Recordings Authority single-appointment and video representatives on the labelling body.

*Clause 13:* consequential.

*Clause 14:* This provides for the issuance of labels and the affixing of any further description as seen fit by the Authority.

*Clause 15 (1)* provides for cover and associated advertising material to be now subject to examination by the Authority.

*Subclause (2):* This confirms the group of people who may apply to the Authority for classification.

*Subclause (3):* This provides for the date by which all video recordings currently in stock must be classified (viz July 1988).

*Subclause (3A):* Confirms the rights of exemption which the Authority may exercise.

*Clause 17 (1):* Adds an additional phrase to more accurately identify the nature of whether the video recording is likely to be injurious or not to the public good.

*Subclause (2) (f):* A phrase is added to emphasise that the Authority must take into account the fact that most of the videos will be viewed in the home.

*Clause 19:* Introduces a group of ratings. The Bill only provides for Regulations.

*Clause 19 (a):* Consequential.

*Clause 20:* Consequential.

*Clause 20 (b):* Consequential.

*Clause 21:* Consequential.

*Clause 29:* Consequential.

*Clause 31B:* This provides for the Minister having firstly had regard to widespread public concern, to have the authority to have a video recording referred to the Board for re-examination. This is similar to the Films Act provision.

*Clause 59:* Consequential.

*Clause 60:* Consequential.

*Clause 61:* Consequential.