



New rules for commercial video on-demand and streaming platforms

CLOSING A CRITICAL GAP IN NEW ZEALAND'S MEDIA REGULATION

In early 2017, Netflix released *13 Reasons Why* in New Zealand, a series revolving around a suicide which is graphically depicted. The show also features rape and other hard-hitting content but it didn't have an appropriate age rating or content warning.

- The Chief Censor quickly “called it in” after receiving complaints and issued an RP18 classification along with detailed warnings for the graphic suicide and rape content. However, with the instant nature of digital media it had already been widely viewed including by teenagers and vulnerable people.
- This situation was possible because until now there was no requirement under New Zealand law for commercial video on-demand and streaming platforms (like Netflix) to display New Zealand age ratings or content warnings on films and shows. That's because our regulatory system for media is based on laws made back in the 80s/90s.
- The release of *13 Reasons Why* underlined the urgent need for change. We needed one set of rules, and clear and consistent consumer information regardless of platform.
- We spoke with industry players before designing solutions, exploring how they operate internationally and which technology solutions exist already. We also reached out to the community of international regulators to understand the latest and best thinking.
- We advocated for changes to the legislation, and have since worked with DIA on the development of the policy in the Amendment Act. We were also an independent advisor to the Governance and Administration Committee on the Bill.

- The Film, Videos, and Publications Classification (Commercial Video On-Demand) Amendment Act received Royal Assent in August 2020, and changes to two sets of regulations are underway: one prescribes how consumer information should be displayed on these platforms, and the other enables us to charge providers fees and/or a levy to help cover the cost of our new functions in this area.
- DIA is currently consulting with affected providers and industry groups on both sets of regulations. The new display rules are proposed to come into effect by July 2021 for new content, with existing content (back catalogues) to follow within six months.
- Our key focus now is to work with affected providers to help them meet the new requirements, including if they choose, to develop authorised in-house self-rating systems which we will audit each year. We also intend to manage a complaints process for the public and maintain a New Zealand database of film ratings.

Why this work matters

- New Zealanders have told us they want clear, consistent age ratings and content warnings on entertainment media – regardless of the platform. Research in 2016 showed 83% of New Zealanders wanted a single classification system applied across all platforms.
- Recently we’ve seen a concerning increase in entertainment content tapping into the vulnerabilities of young people – particularly issues around mental health.
- Providing New Zealanders with clear and recognisable consumer information is critical to protecting at-risk groups, including children, young people and vulnerable people such as people who have experienced trauma.
- New Zealand audiences are sensitive to issues that are not always highlighted in international content warnings – such as sexual violence, suicide and self-harm.

“Basically I can watch anything I like – my parents don’t really monitor. But I do like to know what’s coming up. We need more information about what we’re going to see. Then I can decide whether I’ll watch it or not... like that scene in *13 Reasons Why* I absolutely didn’t want to see that but I did cos I didn’t even know it was going to be that bad!”

16 YEAR OLD AT CLASSIFICATION OFFICE CONSULTATION

Key opportunities this term

- **Getting the regulation right:** Ensuring the regulation settings are right now is crucial to making the changes workable for industry and flexible for an ever-changing digital media landscape. We will soon provide you with an outline of our latest thinking on how to ensure implementation is streamlined and effective.
- **A shift in how New Zealand manages harm from digital media:** Our engagement with providers and international regulators points to a new approach to managing harm from digital media: one that is focused on providing industry and consumers with effective tools and information upfront – and less reliant on prescription and enforcement. This approach could be applied in the broad review of New Zealand’s regulatory system for media (signalled last term).
- **Universal technology:** As part of this work we have digitised our classification process and made it transparent for digital providers.
 - This presents a significant opportunity to collaborate with other international regulators to create a ‘single input, multiple output’ tool, which could instantly generate consumer information for a range of international markets.
 - There’s also scope for the digitised process to be used across other types of digital media, for example apps and games.