Manatū Taonga
Ministry for Culture & Heritage

Regulatory Impact Statement: Repeal of the broadcasting standards regime

Decision sought	This RIS informs Cabinet decisions on the repeal of the broadcasting standards regime and disestablishment of the Broadcasting Standards Authority.
Agency responsible	Ministry for Culture and Heritage
Proposing Ministers	Minister for Media and Communications
Date finalised	18 June 2026

The Minister's proposal is to repeal the broadcasting standards regime and disestablish the Broadcasting Standards Authority (BSA) to even the playing field between broadcasters and other professional media. The intention is to remove the disadvantage currently experienced by broadcasters due to having to comply with the requirements of the Broadcasting Act 1989, something which is not required of other media platforms. The proposal seeks to address long-standing issues arising from outdated regulation in this sector by enabling a self-regulatory approach that is more flexible and able to modernise as needed.

Due to clear Ministerial direction to proceed with disestablishment of the BSA, this document splits options analysis into two parts:

- **Section 2A**: Considers first order options for addressing the issues identified, including options to repeal, reform and retain the status quo
- **Section 2B**: Considers aspects of a repeal scenario that require additional regulatory impact analysis

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Summary: Problem definition and options

What is the policy problem?

The BSA was established in 1989, before the widespread adoption of the internet. **The broadcasting standards regime that the BSA oversees is outdated** as it no longer reflects New Zealanders' media consumption habits or the market. This causes flow-on problems including regulation no longer achieving the full extent of its intended purpose, unequal treatment of media entities and limited avenues for audiences to pursue recourse.

This is having society-wide impacts, as nearly all New Zealanders consume media content.

What is the policy objective?

The objectives of addressing the problems arising from the outdated broadcasting standards regime are to:

- Even the playing field between broadcasters and other professional media
- Reflect and safeguard audiences' and society's interests.

What policy options have been considered, including any alternatives to regulation?

Three options have been considered in Section 2A to address the issues presented by the outdated broadcasting standards regime:

- **Option A1**: Status quo – leave regulatory settings as they are.

- **Option A2**: Reform – make changes to the BSA and broadcasting standards regime to better align it with the realities of the modern media environment while maintaining dedicated regulatory oversight *(MCH preferred)*.
- **Option A3**: Repeal – repeal the parts of the Broadcasting Act that establish the BSA and the broadcasting standards regime it administers (*Minister preferred)*.

There has been clear Ministerial direction to pursue Option A3 – Repeal. As such, following analysis of the three first-order options, this RIS analyses a key consequential issue arising from the disestablishment of the BSA and repeal of the broadcasting standard regime.

What consultation has been undertaken?

Prior consultation on earlier proposals

The Ministry for Culture and Heritage (MCH) consulted on changes to the broadcasting standards regime in 2025 as part of the *Media Reform* package of proposals. While increased self-regulation was an option considered in the discussion document, complete disestablishment of the BSA was not. MCH received 117 submissions on the 'modernising professional media regulation' portion of the proposals. At the time, the majority of submitters expressed a desire for regulation to extend to all media content providers (including social media); however, some strongly supported a greater role for self-regulation. A consistent message across the board was that the regulatory system should be simplified.

Consultation with affected parties and agencies on the Minister's preferred option

Due to significant timing constraints, no public consultation has been undertaken on the proposal to repeal the broadcasting standards regime. MCH has conducted targeted high-level engagement on the policy choices within, and as a result of, the repeal option, with:

- government departments administering related legislation and/or with responsibilities connected to the broadcasting standards regime (Ministry of Justice (MoJ), Department of Internal Affairs (DIA), Department of the Prime Minister and Cabinet (DPMC)).
- regulatory bodies with roles under or connected to the broadcasting standards regime (BSA, Media Council, Advertising Standards Authority (ASA)).
- television broadcasters that would be directly affected by the options for classification and labelling requirements considered in Section 2B (Sky Network Television (Sky), Television New Zealand (TVNZ), Whakaata Māori).

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

No – MCH's preferred option would be to reform the broadcasting standards regime (Option A2), rather than repeal it and disestablish the BSA (Option A3). However, if it is to progress, the Ministry's preferred approach to the components of a repeal package is reflected in the Minister's paper to Cabinet, including Option B3 in respect of classifications and labelling of broadcast content (discussed in Section 2B).

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Summary: Minister's preferred option in the Cabinet paper – Option A3 - Repeal

Costs (Core information)

This option would have potentially substantial indirect costs on audiences and wider New Zealand society over the long-term due to the removal of an enforceable complaints avenue and media content standards that support fairness and accuracy.

Monetised costs would be incurred by broadcasters if they chose to be members of self-regulatory groups and also due to inclusion under the Commercial Video On-Demand (CVOD) regime for content classification and labelling. All broadcasters would have

transition-associated costs. 9(2)(f)(iv) [redacted]

If self-regulatory groups gain new members, there may be associated short and long-term administrative costs to them, in addition to extra workload during the development of transitional arrangements. The BSA and its staff would also be directly impacted by disestablishment.

Benefits (Core information)

Monetised benefits would flow to broadcasters, who will no longer face compliance costs under the broadcasting standards regime. This includes resourcing the required complaints processes and annual levy payment for those above the revenue threshold - equating to around $700k annually to the sector. Monetised benefits may also flow from a more level playing field with those media not currently subject to the broadcasting standards regime. In particular, Sky would no longer be captured by two classification and labelling systems.

The Government will no longer need to fund the BSA ($0.989 million annually), which may result in monetised and/or non-monetised benefits for New Zealanders more broadly. Non-monetised benefits may include improved regulatory clarity and self-regulatory groups may see increased membership and revenue.

Balance of benefits and costs (Core information)

While this RIS indicates that the Minister's preferred option (Option A3 – Repeal) performs better than the status quo against specified criteria, overall and in the absence of time to fully assess and mitigate risks (see limitations and constraints below), it does not conclude that the benefits outweigh the costs. There is uncertainty about the extent and effectiveness of self-regulatory groups picking up expanded or new functions in the BSA's absence. There are significant potential risks to audiences and New Zealanders more broadly arising from removing an enforceable complaints avenue and media content standards that support fairness and accuracy. Based on the information available for this assessment, the benefits are narrow and the costs have both wider and longer-term impacts.

Implementation

Legislation is required to give effect to the repeal of the broadcasting standards regime. MCH would work with affected parties, particularly the BSA, Media Council, ASA and Classification Office on implementation and transition plans.

MCH would conduct a review within three years of legislation being repealed to track the impacts of these changes and the effectiveness of self-regulation.

Limitations and Constraints on Analysis

This analysis has been carried out under significantly compressed time constraints. Clear Ministerial direction to proceed with disestablishment of the BSA at pace has necessarily concentrated analytical effort on the consequential changes required to make this happen. Evidence certainty is low due to these constraints, which have limited opportunities for engagement, evidence collection and broader analysis, with resultant uncertainty about the nature and scale of the impacts of all options (immediate and longer-term) for broadcasters, other professional media, audiences, and the wider public.

The key assumption underpinning the analysis is that the Media Council will assume responsibility (and develop new processes and functions) for standards and complaints about their members' broadcast content. This assumption is higher-risk in relation to non-journalistic broadcast content, due to the Media Council's existing principles and historical focus on news publishing and journalism.

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Summary: Ministry's preferred option – Option A2 - Reform

Costs (Core information)

Monetised costs for professional media would include transition and ongoing compliance costs of a new regime, including ongoing financial contributions via a levy to part fund the regime. Non-broadcast professional media would face the highest monetised and non-monetised costs, as they would move from being unregulated to regulated; marginal costs for broadcasters would centre on one-off transition costs as they adjusted to the new regime.

Government transition costs would include legislative and machinery of government changes and it would continue to part-fund the regime (likely at higher cost that under the status quo).

Benefits (Core information)

Long-term benefits would flow to audiences and the New Zealand public through the preservation, and expansion to additional types of content, of standards and an enforceable complaints process. This would provide ongoing recourse, both monetised and non-monetised, for unfair, unbalanced and/or discriminatory content and greater access to standards-compliant information and media.

Audience trust in the content of a wider range of professional media may also improve as a result of having procedures for correcting factual errors and redressing unfairness, realising monetised and non-monetised benefits for regulated media organisations.

Broadcasters may realise monetised and non-monetised benefits from more equitable regulatory settings that treat them the same as other professional media organisations.

Improved regulatory clarity would be a non-monetised benefit for many affected parties and government may benefit from increased alignment with international comparators.

Balance of benefits and costs (Core information)

In MCH's analysis, the benefits of the reform option outweigh the costs, with more positive outcomes likely than under a repeal scenario. While there would be immediate transition and implementation costs, particularly for non-broadcast professional media brought into the broadcasting standards regime, the benefits would be society-wide and long-term. Based on the evidence available, including from previous public consultation, the costs apply to a relatively narrow group while the benefits flow to wider society.

Implementation

Additional policy work and transition planning, including further evidence gathering, engagement and discussion with affected parties, would be required ahead of implementing this option. Legislation would be required to give effect to this proposal.

Limitations and Constraints on Analysis

Given the significant time constraints in completing this analysis and the Minister's preference for repeal, resource has been focused on the consequential choices and impacts of that approach rather than the detail of the Ministry's preferred option. However, the limitations to the analysis and evidence, are counterbalanced by stronger insights from public consultation on an initial version of the reform option in 2025.

Key assumptions include that the features of a reformed regime would reflect the proposal for professional media regulation presented for public consultation in 2025 with some modifications (required to ensure meaningful comparative analysis against the Minister's preferred option), and that the costs and benefits of the option would not substantially change once detailed policy settings and consequential changes were determined.

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I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Cara Palmer-Oldcorn
Manager, Media and Screen Policy
18 June 2026

Quality Assurance Statement

Reviewing Agency: Ministry for Culture and Heritage, Department of Internal Affairs, and Ministry of Justice.	**QA rating:** Partially meets

Panel Comment:

The RIS is generally complete, clear, candid, and balanced. It sets out the key options and trade-offs and distinguishes between the Ministry's and Minister's preferred options. The RIS clearly sets out the problem definition and context within which the proposals are assessed. It is transparent about the significant time and scope constraints under which the analysis was prepared.

However, the Panel considers that the analysis is materially limited by the constraints noted, as well as low evidence certainty in key areas, limited quantification of costs and benefits, no public consultation on the repeal and disestablishment proposal, and the absence of meaningful engagement with Māori. There is a largely untested assumption that self-regulation by broadcasters can be effective. The RIS also assumes a coherence of regulatory roles amongst relevant entities, some which are mandated and some voluntary.

These limitations and assumptions reduce the Panel's confidence that Cabinet can rely on the analysis, particularly in relation to impacts on audiences and Māori.

However, on balance, the Panel considers that the RIS provides Cabinet with a transparent account of the available analysis and risks but does not fully demonstrate that the consultation and evidence base is sufficient for a fully convincing assessment.

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Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

The broadcasting standards regime was established under the Broadcasting Act 1989

1. The Broadcasting Act 1989 created a system of broadcasting standards at the time when television and radio was being deregulated, transitioning away from being overwhelmingly government owned or controlled towards the pluralistic and independent environment we know today.

2. According to Jim Stevenson, Chair of the committee that advised the government on how to implement the initial reforms, 'part of the acceptability of the whole broadcasting reform relied on the credibility of the standards regime.'[1] While the government of the day wanted to liberalise the sector, it saw an important role for government in ensuring broadcast content met certain standards.

3. The regime as it exists today works by:
   - **Setting minimum standards**, which every broadcaster is responsible for maintaining (Part 1 of the Act).
   - Implementing a **mechanism for determining complaints** about broadcast programmes, under which primary responsibility rests with the broadcasters (Part 2 of the Act).
   - **Establishing the Broadcasting Standards Authority (BSA)** to administer the regime (Part 3 of the Act).

4. The definition of 'broadcasting'[2] is the operative term in the Broadcasting Act and determines the entities defined as 'broadcasters' which the requirements and obligations of the Act apply to.

5. Broadcasting is commonly understood as audio or video transmitted via mass communications that is received by many members of the public simultaneously. The key discussion in the BSA's recent jurisdiction decision regarding The Platform[3] is whether the term 'other means of telecommunication' in the definition of 'broadcasting' captures the live transmission of programmes via the internet. Therefore, the definition of a 'broadcaster' is contested (as discussed further in paras 36 and 37).

6. Uncontroversially, broadcasters include public radio and television operators Whakaata Māori and Radio New Zealand's AM and FM radio stations, and commercially operated businesses like TVNZ's Channels 1 and 2, Sky which operates its own channels like Three, Sky Open and Sky Sports and carries a broad range of overseas news and

[1] Sara Louise Clemens, Broadcasting standards in New Zealand: the Broadcasting Standards Authority: policy, action, and repercussions, 1995, ir.canterbury.ac.nz/items/ffd98a5b-4aee-4c46-9f50-f9ac27fdc7fa/full, p. 58.
[2] The Broadcasting Act defines 'broadcasting' as: any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus but does not include any such transmission of programmes –
(a) made on the demand of a particular person for reception only by that person; or
(b) made solely for performance or display in a public place.
[3] BSA, WK and The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd - ID2025-063, 31 March 2026, www.bsa.govt.nz/decisions/all-decisions/wk-and-the-platform-media-nz-ltd-and-nz-media-holdings-2023-ltd-id2025-063-31-march-2026/.

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entertainment channels, MediaWorks (which operates several radio stations including More FM, The Breeze and Mai FM) and NZME's radio operations (which operates Newstalk ZB, ZM and The Hits, amongst others), and non-commercial community radio stations.

7. The definition of 'broadcasting' does not apply to the transmission of 'programmes' made on the demand of a particular person for reception only by that person. This means that on-demand video and audio (such as Netflix or podcasts) could not meet the definition of 'broadcasting'. Newspapers, online text-based news and current affairs, and social media are also not covered by the Act.

The BSA's role is to oversee the broadcasting standards regime

8. The BSA's role is to oversee and implement the regime put in place by the Broadcasting Act. The BSA works with broadcasters and the public to develop the Code of Broadcasting Standards in New Zealand which sets broadcasting standards relating to areas like offensive content, children's interests, discrimination, balance, accuracy, privacy, and fairness. The Code of Broadcasting Standards provides significantly more detail for broadcasters than legislation, for example, to uphold children's interests, broadcasters should refrain from broadcasting offensive or disturbing content during the times that children are likely to be watching or listening.

9. Most visibly the BSA's role includes responding to and providing a determination on complaints. In most instances, complaints must be sent directly to the relevant broadcaster first,[4] and if a complainant is unsatisfied with the response, only then can they go to the BSA. All BSA decisions (including decisions to dismiss complaints) can be appealed to the High Court.

10. The BSA also has an educational role and has published guidance on 'Complaints unlikely to succeed', which cover matters such as te reo Māori, representation and depiction of LGBTQIA+ communities, and low-level offensive language and blasphemy. In addition to providing clear grounds for declining to consider complaints, the BSA reports that these guidelines are useful for broadcasters in their responses to complaints they receive, reducing the number of complaints escalated to the BSA.

Broadcasters are subject to regulations and levies that other media providers are not

11. Under the regime, broadcasters face restrictions on the type of content they can broadcast. The BSA can enforce these standards by issuing orders to, for example:
    - publish a statement, correction or apology
    - require compensation of up to $5,000 to individuals harmed by a breach of privacy in broadcasting
    - refrain from broadcasting or broadcasting advertising for up to 24 hours (used only once in the BSA's history).[5]

12. The BSA rarely exercises the full extent of its powers, and most commonly, it will issue broadcasters with an order to publish a statement. However, if a broadcaster does not comply with an order from the BSA, it can be convicted and liable for a fine of up to $100,000 under the Broadcasting Act.

[4] Except complaints relating to breach of privacy standards and 'election programmes' (as defined in Part 6 of Broadcasting Act) – those complaints can be made directly to the BSA.
[5] Barnes and ALT TV, Decision No. 2007-029.

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13. While self-regulatory bodies can order statements and corrections, they can't enforce them, as such, non-broadcast media are not subject to the same types of penalties.

14. There are also financial costs associated with maintaining the broadcasting standards regime. The Crown currently provides $0.989 million in annual funding to the BSA. The regime is also partially funded through a levy that requires broadcasters to contribute 0.00051% of their annual broadcasting revenue over $500,000 (excluding non-broadcast revenue like digital advertising revenue).

15. In 2025, $0.648 million was collected in total levy revenue, broken down amongst broadcasters as follows:[6]

9(2)(b)(ii)

16. Smaller operators, such as community radio stations, generally do not meet the revenue threshold to pay the levy.

17. While organisations that are members of self-regulatory bodies also have cost and compliance obligations, these are taken on voluntarily and are not subject to the same level of enforcement.

The broadcasting standards regime is interwoven with other government regulatory systems and other entities also play a role in content regulation

18. As with much of New Zealand's legislation, the definitions in and jurisdiction of the Broadcasting Act is interwoven and interdependent with other pieces of legislation. For example, the definition of 'broadcasting' defined in the Act is cross-referenced in more than 10 other Acts. The Act's existence has also shaped the design of later legislation, resulting in a range of overlapping and complementary approaches to content regulation, as well as gaps and distinctly separate approaches to regulation, depending on where the content originates from (an example of which is discussed further in Section 2B). Because of this, making changes to the Broadcasting Act has the potential to impact other regulatory regimes.

19. Like other individuals and organisations in New Zealand, broadcasters and other media organisations can also be liable for offences under other pieces of law, such as the Crimes Act 1961, Harmful Digital Communications Act 2015, Commerce Act 1986 or Human Rights Act 1993. The broadcasting standards regime is not the sole regulator of content in New Zealand.

[6] BSA, Levies year on year comparison, May 2026 [Commercial-In-Confidence].

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The broadcasting standards regime does not preclude other organisations from self-regulating media content

20. Self-regulatory approaches have existed alongside the broadcasting standards regime since its inception. Most comparable in terms of jurisdiction and purpose is the Media Council which was founded in 1972 with the purpose of 'upholding media standards and protecting freedom of expression'. [7]

21. The Media Council, chaired by a retired Court of Appeal judge, is a self-regulatory body which comprises of more than 100 members and provides a forum for resolving complaints. As of 2024, its annual budget was around $327,000, almost exclusively from members' fees and contributions.[8] Traditionally it has focused on journalism and print media but it expanded its remit in 2017 to formally include online media.[9] It has largely existed as a complement to the BSA, with most broadcasters also being members of the Media Council, it allows for self-regulation of some types of media that are not covered in the Broadcasting Act.

22. Unlike the BSA, the Media Council has no regulatory powers and its findings on complaints are unenforceable. The Media Council currently requires complainants to waive their right to other dispute resolution avenues (including the courts) before it takes a complaint. It does not have an appeals process. Decisions on complaints are published on the Media Council's website, and in 'egregious circumstances', it can censure members. Participation by members is entirely voluntary.

There have been significant changes in the media landscape since 1989

23. In 1989 when the standards regime was first put in place, it captured the mediums through which the vast majority of New Zealanders accessed audio and audiovisual news and entertainment. The market has subsequently changed dramatically, and these same mediums do not have the same audience share they once used to. Technological advancements and increasing globalisation have brought new entrants (predominantly multi-national digital platforms) into the market. Audiences now have significantly more choice around where and how they consume media content, and the types of content they consume.

24. The earliest *Where are the audiences?* survey, commissioned by NZ On Air, dates to 2014. At that time, 83 percent of New Zealanders watched live television daily, 12 percent used broadcasters' on-demand websites, and only 6 percent watched content on overseas platforms like Netflix, BBC iPlayer and Hulu. Most people became aware of new music on the radio, rather than through a streaming service or social media.[10]

25. Since 2020, digital audiovisual media (such as streaming services and social media) have attracted bigger audiences than traditional media, and the daily reach of streamed music has overtaken radio listening. The most recent 2024 *Where are the Audiences?* report indicated that global video sharing platforms like YouTube and Instagram reached 64

[7] New Zealand Media Council, History of the NZ Media Council, www.mediacouncil.org.nz/about/.
[8] New Zealand Media Council, Annual Report 2024, www.mediacouncil.org.nz/media/website_posts/2268/NZMC-Annual-Report-2024.pdf.
[9] Membership includes some international streaming platforms, but its Video On Demand Classifications Code focuses on the labelling and classification of on-demand content rather than the substance of the content itself.
[10] NZ On Air, Where are the Audiences?, July 2014, www.nzonair.govt.nz/news/where-are-audiences/.

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percent of New Zealanders each day, subscription video on-demand platforms (like Netflix and Disney+) reached 56 percent, and television reached 47 percent.[11] Data for 2025 has not been published, but it is likely this trajectory has continued.

26. These changes in audience habits have impacted the BSA and broadcasting standards regime. In 2025, the BSA received fewer than 100 complaints for the first time since 1990/91. In its own analysis, this reflects broadcasters' clear understanding of the standards and their commitment to upholding them, but also likely reflects audiences' and media providers' move away from conventional broadcasting to increasingly online-only business models.[12]

Overwhelmingly, new entrants into the market are not covered by the BSA's jurisdiction

27. Conventional broadcasting technology is globally in decline, due to the high costs of transmission and increasing audience preferences for on-demand and social media content. 9(2)(b)(ii),9(2)(ba)(i) [redacted] Conventional radio may have more longevity, but its future will also likely be in online streaming.

28. We are not aware of any new market entrants looking to use conventional broadcasting technology as part of their business model. Instead, most new content providers operate online and those with exclusively video on-demand business models (like Netflix) are explicitly excluded from the BSA's jurisdiction. The Broadcasting Act and the BSA's mandate are tied to technologies which are being phased out by industry and most content being consumed by audiences is no longer captured in the BSA's remit.

29. Without regulatory change, over time, the vast majority of content New Zealanders consume will only be regulated in so far as it is prohibited by other Acts (e.g. objectionable content provisions under the Classification Act – see Section 2B) or prohibited by the Terms of Service of a platform, or through voluntary self-regulation. For media platforms that do not belong to self-regulatory groups, audiences will have very limited recourse to raise concerns and complaints that can be enforced.

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Internationally, regulators are adapting to reflect the new, digital nature of the media environment

30. Overseas regulatory best practice is changing to accommodate the digital content environment. Major overseas regulators like the United Kingdom's Office of Communications (Ofcom) and the Irish Coimisiún na Meán (Media Commission) have increased their regulatory scope to include streaming, on-demand, social media and video sharing services. Many overseas regulators are also transitioning from a complaints-based operating model to models focussed on systemic, strategic regulatory changes.

31. Most overseas regulators also have responsibilities in the wider telecommunications sector including broadband, radio spectrum management and associated infrastructure.

[11] NZ On Air, Where are the Audiences?, August 2024, www.nzonair.govt.nz/news/where-are-the-audiences-2024/.
[12] BSA, Annual Report 2025, October 2025, www.bsa.govt.nz/research-and-reports/research/all-research/annual-report-2025/.

This contrasts with New Zealand, where wider telecommunications regulation sits with agencies such as the Ministry of Business, Innovation and Employment and the Commerce Commission.

In New Zealand, there have been various pieces of work seeking to address these issues over a long period of time

32. There is a long history of work across previous Governments that has identified and sought to address the issues arising from outdated regulation and change in New Zealanders' media consumption habits, including:

- **Law Commission's 'The News Media Meets 'New Media': Rights, Responsibilities and Regulation in the Digital Age'** (2011): Examined the impact of internet and digital media on the media sector. The paper recommended a single unified regulator, independent of government, that would provide standards and complaints determination. Certain journalistic privileges (e.g. defamation protection, privacy exemptions and court reporting access) would only apply to those that agreed to opt-in to the regulator's oversight. In 2013, the government accepted the Law Commission's analysis, but it did not make changes at the time. Some of the recommendations and analysis informed later work on the Harmful Digital Communications Act 2015.
- **Convergence: Content Regulation in a Converged World** (media elements led by MCH, 2014 – 2017): A series of discussion documents[13] were released on digital media convergence and examined options to create a more consistent policy and regulatory framework for the new media environment. In mid-2016, the Government announced its intention to progress the Digital Convergence Bill, which (among other things) would extend the Broadcasting Act to on-demand content.[14] The Bill was put on hold in 2017.[15]
- **Media content regulatory review** (joint review by DIA and MCH, 2019): In early 2019, Cabinet noted that Ministers would return seeking agreement to an approach for a broad review of media content regulation. The work was put on hold following the Christchurch terror attack later in March, with resource diverted to focus on changes to the Classification Act to prevent and mitigate harm caused by objectionable content online. In parallel, the Minister for Internal Affairs progressed changes to bring CVOD content under the Classification Act.
- **Safer Online Services and Media Platforms** (led by DIA, with support from MCH, 2021 - 2024): Proposals, including the establishment of a regulator for all media content (including social media), were consulted on publicly in mid-2023.[16] The review was closed without implementing the proposed approach.
- **Research on *Mātauranga Māori in the Media***[17] (commissioned by the BSA, Te Puni Kōkiri and MCH, 2023): The research was to support understanding of how mātauranga Māori (Māori knowledge) is represented, used, protected, and sometimes misused across New Zealand's media landscape, and to provide

[13] MCH and MBIE, Exploring digital convergence: Issues for policy and legislation, 2015; and MCH, Content regulation in a converged world: Discussion document, 2015.
[14] www.beehive.govt.nz/release/digital-convergence-bill-captures-online-content.
[15] www.beehive.govt.nz/release/digital-convergence-bill-put-hold.
[16] DIA, Discussion Document: Safer online services and media platforms, June 2023, www.dia.govt.nz/media-and-online-content-regulation.
[17] BSA, Mātauranga Māori in the Media, 2023, www.bsa.govt.nz/assets/Matauranga-Maori-in-the-Media-Final-Aug22.pdf.

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guidance for improving accuracy, respect, and cultural safety in media practice. A key recommendation of the report was a review of BSA standards and complaints procedures, with a focus on the use of mātauranga Māori in the media.[18] The BSA indicated it would use these insights to inform decisions regarding standards and its engagement strategy.[19]

33. Most recently in 2025, MCH consulted on changes to the broadcasting standards regime as part of the *Media Reform* package of proposals. These proposals focused solely on 'professional media', excluding social media,[20] as the scope of *Media Reform* was confined to the Media and Communications portfolio in recognition of the Minister of Internal Affairs' earlier decision to cease work on broader content regulation.

34. While increased self-regulation was an option considered in the discussion document, complete disestablishment of the BSA was not. The preferred option proposed was to reform the broadcasting standards regime to have:
    - platform-neutral regulation of 'professional media' in New Zealand
    - a regulator with a 'backstop' role, focusing on system-level outcomes while ensuring audiences have recourse in respect of inaccurate or unduly harmful content
    - the right to appeal, subject to criteria, in respect of complaints decisions from self-regulatory bodies to the regulator and then the High Court.

Under the status quo, the broadcasting standards regime will become increasingly obsolete

35. As detailed above, most new entrants into the media market operate outside the BSA's jurisdiction. Broadcasters themselves are moving away from the technology they used to rely on and will gradually become largely online operations themselves. Without change, the BSA will have less and less content within its remit, less levy revenue to fund its operating budget, and crucially, will not be regulating the content most New Zealanders are engaging with.

The BSA's remit is contested, and may include some online content under current legislative settings

36. In March 2026, the BSA formally determined it had jurisdiction to consider a complaint against the online media website The Platform's 'Live Talkback' programme. In keeping with a preliminary advisory it issued in 2020,[21] it found the programme's transmission via the internet fell within the Broadcasting Act's definition of 'broadcasting'. It also found

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[18] Several Waitangi Tribunal reports have found that the Crown has not upheld its obligations to Māori under Te Tiriti. For example, WAI11 (the Te Reo Māori Claim), WAI 26 (related to a lack of provision for Māori audiences by the (then) Broadcasting Corporation of New Zealand), WAI150 (related to radio frequency allocation) and WAI262 (the Fauna, Flora and Intellectual Property Rights Claim). Resulting policy changes have included: the establishment of Te Whakaruruhau o Ngā Reo Irirangi Māori (the iwi radio network) by 1993 and Whakaata Māori in 2004; legislative requirements for RNZ and TVNZ to provide a place for Māori language and culture; and funding for Māori broadcasting through Te Māngai Pāho (established in 1993) and NZ On Air.

[19] BSA, Annual Report 2024, 2024, www.bsa.govt.nz/assets/Uploads/BSA-Annual-Report-2024.pdf.

[20] In the discussion document, it was signalled that further work and consultation would be required to define the parameters of 'professional media', but in general the intent was to capture New Zealand organisations that commission, produce, or directly pay for media content and distribute it as their primary business; and not capture platforms that host or provide access to others' content, with no editorial or substantive curation functions – search engines, social media, and other platforms hosting user-generated material would not be in scope.
MCH, Interim Regulatory Impact Statement: Modernising professional media regulation, 21 October 2024, www.mch.govt.nz/sites/default/files/2025-02/iris-modernising-media-regulation.pdf.

[21] BSA, Online broadcasting, August 2020, www.bsa.govt.nz/broadcasting-standards/resources/online-broadcasting/.

such transmissions were not captured by the exception for transmissions 'made on the demand of a particular person for reception only by that person'. In its decision, the BSA found that exclusion of The Platform would be inconsistent with the objectives and purpose of the Broadcasting Act, which was 'designed to provide for the maintenance of programme standards in New Zealand broadcasting at a time of deregulation and rapidly evolving technology.'[22]

37. As of June 2026, the BSA has yet to make a decision on the merits of the initial complaint that prompted this assessment of its jurisdiction. If the BSA were to continue operating and its finding of jurisdiction remained unchallenged, or was affirmed in any court proceedings, this decision would set a precedent for the BSA to consider future complaints against other digital platforms operating in the same way as traditional broadcasters except over the internet.

What is the policy problem or opportunity?

The broadcasting standards regime is out of date

38. The BSA was established in 1989, before the widespread adoption of the internet. **The regime is outdated** and no longer reflects New Zealanders' media consumption habits or the market, which is causing flow-on problems:

- **Broadcasters are treated differently to other media providers under current settings** – Because regulation has not evolved alongside technology and audiences, broadcasters are subject to greater regulatory oversight compared to the increasingly diversified range of sources New Zealanders rely on for media content. This has implications for broadcasters' ability to compete and remain viable. As an example of the different treatment currently required of similar types of content, a panel discussion broadcast on live radio is subject to the regime, but if it were pre-recorded and delivered on-demand as a podcast it would not be.
- **Regulation is not achieving the full extent of its intended purpose** – As more content is provided and accessed on-demand, a decreasing proportion of the content New Zealanders consume is obliged to meet the industry and community standards administered by the BSA. As well as decreasing efficiency for Government, links may be drawn between reduced media oversight and compliance with associated standards and processes, and the prevalence of misinformation, and declines in trust and confidence in media organisations.[23]
- **There is limited recourse for audiences that are concerned about the standards of less regulated content** - Given the diversity of players now in the sector, there are substantial audiences who do not have the option of complaining to a statutory or self-regulatory body if they are concerned about content standards, including accuracy and fairness. Other enforceable routes to raise concerns and seek redress about such content (including under other laws) are less comprehensive or fit for purpose, and costly and time consuming to take to court.

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[22] BSA, WK and The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd - ID2025-063, 31 March 2026, www.bsa.govt.nz/decisions/all-decisions/wk-and-the-platform-media-nz-ltd-and-nz-media-holdings-2023-ltd-id2025-063-31-march-2026/.

[23] For example, AUT's 2026 report on trust in news in New Zealand found that many New Zealanders value professional journalism, including its commitment to accuracy and other ethical standards. Approximately 82% said high journalistic standards are very important/important to them.

Media regulation affects all New Zealanders

39. These issues affect a significant proportion of the New Zealand population as the media we consume is deeply interwoven with modern life. Around 99 percent of New Zealanders engage with some form of media each week.[24]

40. Broadcasting standards have historically been developed with input from New Zealanders, and as such, have reflected the changing sensibilities of the public about the types of content they are concerned about. Accuracy, balance and fairness are consistently the issues BSA complainants most frequently raise.[25]

41. Some have expressed the view that the BSA has an important role in ensuring broadcasters uphold standards that, in turn, have the effect of protecting some communities, including Māori, Pacific people, disabled and LGBTQIA+ communities, from discriminatory content.[26] BSA research in 2024 found that 75 percent of Māori, Pacific Peoples, Asian and Muslim individuals felt offensive, discriminatory or controversial views (such as racist comments) were a problem in New Zealand.[27]

42. Broadcasters such as Sky, TVNZ, Whakaata Māori, Radio New Zealand, NZME, MediaWorks and other TV and radio stations, and non-broadcast media platforms (like on-demand streamers and social media) are directly impacted by their inclusion or exclusion under current settings. Voluntary regulators, like the Media Council, have carved out their own roles within the context of the current system and statutory regulators, including the BSA itself, have been shaped by the design of the current regime.

There are different perspectives on how the problem should be addressed

43. As detailed above, MCH consulted publicly on a proposal to change professional media regulation in 2025. MCH received 117 submissions on this proposal. It proved the most contentious of the five proposals included in the broader package, with agreement about the need to reform but not about how. While most submissions supported modernising the regulatory system by expanding its jurisdiction, many submitters considered that social media should also be regulated, which was beyond the scope of the options presented. A significant portion of the remaining submissions called for better use of industry self-regulation; however, complete self-regulation was not presented as an option. A consistent message across the board was to simplify the regulatory system.

44. Many New Zealanders consider that broadcasting standards play an important role in society, especially to combat issues like mis- and disinformation, declining trust in media, and discriminatory programming.[28]

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[24] Angus & Associates, The Current State of New Zealand's Media System: a baseline report, November 2023, www.mch.govt.nz/publications/current-state-new-zealands-media-system-baseline-report.

[25] BSA, Annual Report, 2025, www.bsa.govt.nz/assets/BSA-Annual-Report-2025.pdf.

[26] Pulotu Tupe Solomon-Tanoa'i, Who benefits if the BSA is scrapped?, April 2026, e-tangata.co.nz/comment-and-analysis/who-benefits-if-the-bsa-is-scrapped/.

[27] BSA, Freedom of Expression and Harms to Diverse Communities, September 2024, www.bsa.govt.nz/research-and-reports/research/all-research/freedom-of-expression-and-harms-to-diverse-communities/.

[28] Aotearoa Communication and Media scholars network, ACM open letter regarding the proposed abolition of the BSA May 2026, docs.google.com/forms/d/e/1FAIpQLSfFqJOGqGd3K13qcNtQjImFzp0cg0I_5KkqeD-lj7B0I5SzDQ/viewform.

45. Others have expressed the view that, in an age where we have virtually infinite access to largely unregulated content online, audience choice is far greater than it was when the regime was established and viewers can turn off or look away from content if they want to. They argue that because of this, broadcasting standards are redundant and impinge on rights to freedom of expression.[29]

46. For some time, there has been a broad consensus that the regime is outdated and in need of reform, one way or the other. This issue has become more prominent following the BSA's recent decision regarding The Platform and signalling from the Government that it intends to disestablish the BSA. Public opinion remains polarised about the best approach to addressing these issues.

What objectives are sought in relation to the policy problem?

47. The objectives of addressing the problems arising from the outdated broadcasting standards regime are to:

- **Even the playing field between broadcasters and other professional media**[30] – ensure any changes seek to remedy the unbalanced regulatory burdens affecting different types of media content providers to support a sustainable local media ecosystem.
- **Reflect and safeguard audiences' and society's interests** – ensure settings reflect the diverse interests of New Zealand audiences, including both rights to freedom of expression and freedom from discrimination, and to uphold democratic systems, including by facilitating the flow of trusted and accurate information.

What consultation has been undertaken?

There was prior consultation on earlier proposals

48. As outlined above (para 38 onwards), there has been a long history of consultation on options to address the issues identified. Most recently in 2025, MCH consulted on changes to the broadcasting standards regime and professional media regulation. The preferred option in that document was similar to the reform option outlined in this RIS. While increased self-regulation was an option considered in the discussion document, complete disestablishment of the BSA was not. At the time, the majority of submitters favoured an extension of regulatory oversight to include a wider range of media content providers (including social media, even though it was out of scope); however, some strongly supported increased self-regulation. While there was substantial polarisation about the best way of improving the system, submitters consistently wanted the regime to be simplified.

The proposal to disestablish the BSA and repeal the regime has not been consulted publicly

49. Due to the significant time constraints on this work, no public consultation has been undertaken on the Minister's preferred option outlined in this document (the disestablishment of the BSA and repeal of the broadcasting standards regime).

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[29] Stuff, Reality Check Radio to have say on BSA decision about online content jurisdiction, as part of complaint, December 2025, www.stuff.co.nz/nz-news/360912400/reality-check-radio-have-say-bsa-decision-about-online-content-jurisdiction

[30] Using the same indicative definition of 'professional media' outlined in the *Media Reform* proposals.

50. As well as feedback from previous consultation on other reform options related to the media sector, MCH has considered public commentary about the proposal to disestablish the BSA in developing and assessing options.

Government agencies and the most directly affected organisations have provided initial input

51. MCH has conducted limited, targeted high-level engagement on the policy choices within, and following from, the repeal option, with:

- government departments administering related legislation and/or with responsibilities connected to the broadcasting standards regime (MoJ, DIA, DPMC).
- regulatory bodies with roles under or connected to the broadcasting standards regime (BSA, Media Council, ASA).
- television broadcasters that would be directly affected by the options for classification and labelling requirements considered in Section 2B (Sky, TVNZ, Whakaata Māori).

52. Engagement with other government departments and regulatory bodies has directly shaped the detail of Option A3 – Repeal, and the consequential changes proposed within that option broadly reflect the preferred approach of both MCH and relevant agencies. Initial engagement with television broadcasters has informed a base understanding of costs, particularly in relation to options for classification and labelling in Section 2B. MCH will continue to engage with the groups listed above as the work progresses.

Section 2A: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

53. The criteria for our assessment of policy options are:

- **Level the playing field** – does an option make treatment of broadcasters and other media organisations more equitable and balanced?
- **Audience and societal interests** – does an option uphold community and industry standards for professional media without undermining audience choice?
- **Regulatory coherence** – does an option fit with other existing settings or create inconsistencies?
- **Compliance costs and navigability** – does an option clarify the system or make it easier for audiences and media organisations to navigate? How much would it cost affected parties to adapt to the option?
- **Government costs and efficiencies** – how cost effective and straightforward is an option for government to implement? Does it make a process more efficient for government to administer?
- **Te Tiriti o Waitangi** – does an option account for the rights and interests of Māori and the obligations of the Crown affirmed in Te Tiriti o Waitangi?

54. The first two criteria are directly linked to the objectives, and intended to support an assessment of whether an option meets the objectives and addresses the problem identified. The remaining criteria relate to broader Ministerial and government priorities, and/or Government stewardship obligations.

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What scope will options be considered within?

55. While the Minister for Media and Communication has publicly signalled his intent to disestablish the BSA, official Cabinet decisions are yet to be made. Instead, Cabinet has invited the Minister to present a policy proposal to Cabinet detailing his preferred option [CAB-26-MIN-0155 refers]. As such, we have included options in this RIS about whether to retain, reform, or repeal the broadcasting standards regime to support Cabinet deliberation to be informed by a range of options ahead of its final decisions.

56. Based on previous Ministerial direction, the scope of options is focused solely on 'professional media', regardless of platform, and as such, excludes consideration of social media (to the extent not produced or published in the context of professional media activity) and other non-professional content. Options for larger-scale reform, such as establishing an all-media content regulator, are therefore out of scope.

57. Recognising the Minister's preference to disestablish the BSA, Section 2B of this document considers in more detail the flow-on impacts from a repeal scenario in relation to the content classification and labelling role the BSA currently undertakes. This matter requires additional regulatory impact analysis due to the potential for differential impacts beyond those that could be assumed for a more general repeal scenario.

What options are being considered?

Option A1 – Status Quo

58. **Status quo** – leave regulatory settings as they are.

59. Under the status quo, the existing legislative provisions and structure of the regime would remain the same. These include requirements that the BSA considers every formal complaint referred to it and that complaints must be made within a specified timeframe after broadcast, as well as remedies in respect of upheld complaints that have not been updated since the mid-1990s.

60. There would continue to be an uneven regulatory playing field between broadcasters and other professional media and jurisdiction uncertainty in the short-term. It is unclear what will happen regarding the BSA's finding of jurisdiction in relation to The Platform. Without intervention, affected parties may choose to challenge the BSA's decision in court. It is possible a court may either affirm the BSA's interpretation or exclude programmes livestreamed over the internet from the definition of 'broadcasting'; both potential outcomes are possible in the medium to long-term.

61. If the BSA's interpretation of the definition of 'broadcasting' either goes unchallenged or is affirmed in court, other online broadcasters would be considered within its remit, allowing it to hear complaints, issue orders, and collect cost recovery levies (if applicable) from these groups. If the BSA's interpretation is overturned by the courts, the BSA will remain limited to regulating conventional broadcasters' content, the volume of which will decrease over time as broadcasters continue to move to digital platforms, in turn making its role increasingly obsolete.

62. A large proportion of the content people consume, such as from on-demand content providers (like Netflix and Disney+) and social media platforms, would remain outside the

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scope of the broadcasting standards regime under either scenario, as the definition of 'broadcasting' specifically excludes on-demand programmes.

Option A2 – Reform *(Ministry's preferred option)*

63. **Reform** – make changes to the BSA and broadcasting standards regime to better align it with the realities of the modern professional media environment while maintaining dedicated regulatory oversight.

64. This option draws on the findings from public consultation on earlier proposals in 2025 and would reform the BSA into a light-touch, strategic regulator with modernised enforcement tools. A reformed BSA would have:[31]

- **jurisdiction over a greater range of 'professional' media, regardless of platform**. Personal social media, advertising and non-professional or personal content would not be included. This mirrors the approaches taken by overseas regulators such as the United Kingdom's Ofcom and the Irish Media Commission.
- **a backstop function in respect of self-regulatory regimes**. This would mean self-regulatory bodies that prescribe standards and practices responsive to audience interests (in accordance with guidance developed in consultation with industry) would continue to regulate their members' content without government intervention in individual cases, while preserving the ability for audiences to raise concerns with a statutory regulator about professional media that did not subscribe to self-regulation. Referrals could also be made where breaches may warrant the use of enforcement tools not available to non-government entities.
- **discretion not to accept or review individual complaints so that it could focus on systemic non-compliance and/or most harmful incidents, and the ability to investigate independently of complaints**. This would shift the regulatory model from a complaints-driven model to one focused more on high-level system outcomes, while retaining the ability to intervene if there is significant personal or societal harm.
- **a modernised range of enforcement tools for dealing with non-compliance**. The Australian Communications and Media Authority (ACMA) and the UK's Ofcom have a range of enforcement tools depending on the severity of the breach, ranging from formal warnings, remedial directions, and enforceable undertakings to large fines and penalties. In contrast, the BSA's tools haven't changed since the mid-1990s and it has very limited ability to order penalties and no power to order general fines.
- **retained ancillary functions**, including education, research, and industry guidance.

65. As under the current system, regulated parties (professional media organisations) would be required to meet content standards with a basis in legislation and given effect to in codes of practice, deal with complaints appropriately, and cost-share some elements of the regulatory model.

66. This option would be informed by international approaches to regulatory reform and feedback received as part of the *Media Reform* consultation. Overseas regulators are

[31] For the purposes of this RIS and to enable effective analysis alongside option A3 – repeal, we have assumed the features set out in the remainder of this paragraph. Potential alternative features of a reformed regulator were assessed in the interim RIS (MCH, Interim Regulatory Impact Statement: Modernising professional media regulation, 21 October 2024, www.mch.govt.nz/sites/default/files/2025-02/iris-modernising-media-regulation.pdf) and can be found across other international models (see for example, paragraph 30).

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modernising their operations to account for digital and streaming services. For example, in the UK, Ofcom is currently consulting on a content standards code for the most watched video-on demand services in the UK with a regulatory threshold of 500,000 average monthly UK users. As part of the code, Ofcom is also looking at streamlined processes for investigations to avoid a disproportionate regulatory burden on providers where the regulatory breach is relatively minor and straightforward.[32]

Option A3 – Repeal *(Minister's preferred option)*

67. **Repeal** – disestablish the BSA and repeal the broadcasting standards regime, allowing for broadcasters and other professional media to operate with more comparable levels of regulatory oversight.

68. The substantive component of this option would be to **repeal Parts 1 to 3 of the Broadcasting Act entirely**, disestablishing the BSA, and removing programme standards and complaints processes, including any requirement for broadcasters to meet standards and have a complaints process themselves. Broadcasters would also not be required to pay a broadcasting levy. However, as under the status quo, broadcasters could opt to join self-regulatory bodies, like the Media Council (the majority are already members).

69. As a consequence of repealing Parts 1 to 3 of the Act, other considerations and changes are required to ensure the repeal works as intended:

- **Oversight of election programmes would be picked up by another organisation** - Election programmes (party and candidate advertisements on television and radio, as defined in Part 6 of the Broadcasting Act) are regulated by the BSA.[33] All other election advertisements fall under the ASA's jurisdiction. The ASA has a self-regulatory model, and discussion with the ASA has confirmed that, without BSA oversight, it would accept these sorts of complaints under its existing jurisdiction and deal with them in the same way as other election advertising. Because the ASA is a voluntary self-regulatory body its rulings are not enforceable by a legal authority or through the courts, however, advertisers generally behave responsibly and have a very high rate of voluntary compliance with ASA rulings. No changes to legislation are therefore proposed to give effect to this outcome.
- **Current media exemptions and privileges reference the BSA so require amendments to continue** - A range of laws provide exemptions and privileges for media, recognising their critical function in a free and democratic society. Two of these explicitly apply to those subject to the BSA's jurisdiction and as such, consequential changes to remove reference to the BSA are required to the Privacy Act 2020 and Criminal Procedure Act 2011.[34] The Media Council is already

[32] Consultation opened on 14 May 2026 and will close on 7 August 2026.
Ofcom, Consultation: Tier 1 Standards Code, May 2026, www.ofcom.org.uk/tv-radio-and-on-demand/video-on-demand/consultation-tier-1-standards-code.

[33] Election programmes are subject to other requirements under Part 6, such as restrictions on when they can be broadcast and how they can be paid for, which are not proposed to change. All other electoral-related broadcast content that currently falls in the BSA's remit and broadcasting standards would be deregulated.

[34] The Privacy Act exempts media organisations subject to BSA or Media Council oversight (or an overseas regulator with an accessible procedure for resolving privacy complaints, or other regulatory body prescribed in regulations) from the Privacy Act to the extent they are conducting 'news activities'. The Criminal Procedure Act provides exceptions for media organisations who are subject to a code of ethics and the complaints procedure of the BSA or Media Council (and any other person with the court's permission to report on the proceedings) in relation to powers to clear the court, and allows them standing to be heard on suppression orders.

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referenced in these pieces of legislation. This option would seek to move references to the Media Council to secondary legislation across both Acts and add a power to specify additional bodies in secondary legislation under the Criminal Procedure Act (for consistency with the Privacy Act approach), which would better enable effective, flexible self-regulation.

- **Changes to the Classification Act would also be needed** - Currently, Part 1 of the Broadcasting Act prohibits the broadcasting of content classified as objectionable under the Classification Act. Any consequential changes required to ensure that prohibition continues will be made to the Classification Act. More substantial changes under the Classification Act would also be required, and these are considered separately in Section 2B of this document.

70. Based on MCH's preliminary analysis and engagement with MoJ (which administers the relevant legislation), this RIS does not separately assess choices about how to manage oversight of election programmes and exemptions and privileges currently flowing to media under the BSA's remit. The corresponding features of the repeal option as outlined above are minor and consequential elements of the overall option. Feasible alternative approaches would have negligible differential impacts against criteria and not change the assessment or impacts of the overall repeal option.

Some sub-options are excluded from Option A3 (Repeal) for practical reasons

71. MCH has engaged with the Minister for Media and Communications and impacted organisations on the development of Option A3 (Repeal). Based on initial analysis and engagement, some potential approaches and design choices have been excluded, largely for reasons of practicality and time constraints. The options excluded are as below:

Option excluded	Rationale
Narrow repeal of only Part 3 of the Broadcasting Act (which establishes and governs the BSA)	Initial analysis suggested leaving programme standards (Part 1) and requirements for how broadcasters deal with complaints (Part 2), without any entity to monitor and enforce those obligations, would likely result in confusion and ineffective law without any corresponding benefit.
Delegating existing BSA responsibilities to a body like the Media Council (if the BSA is disestablished)	This option would be inconsistent with the Minister's signalled intent to shift to a self-regulatory model, and its novelty and complexity would require more time to work through than is available.
Clarifying the definition of 'broadcasting' in legislation (if the broadcasting standards regime is repealed)	Initial analysis identified a range of legislation using the definition of 'broadcasting' (and related term 'broadcaster'), some of which may have been predicated on broadcasters being subject to the standards regime. We have had insufficient time to consider the implications of any changes to it, so if the broadcasting standards regime is repealed, any interpretive questions about the definition are better left to play out in the context of other regulatory regimes using the definition (if and where necessary).

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How do the options compare to the status quo/counterfactual?

	Option A1 – Status Quo	Option A2 – Reform	Option A3 - Repeal
Level the playing field	**0** Broadcasters are subject to a stringent and mandatory regime for standards and complaints that non-broadcast media organisations are not.	**+** Would bring all professional media into an overarching regulatory system, including on-demand services that are currently outside the BSA's scope, with flexible but consistent expectations across platforms. Due to scope constraints, would leave broader inequities between professional media organisations and other media platforms.	**++** Broadcasters would be subject to the same oversight as other media groups (including non-professional), unless they made the choice to subscribe to higher standards through self-regulation.
Audience and societal interests	**0** Requires broadcasters to meet standards and practices consistent with community expectations, and provides mechanisms for redress in respect of breaches (though some gaps and inadequate remedies for personal harm). The legislative regime does not cover on-demand or social media, where most audiences are accessing content.	**++** Would secure mechanisms to implement standards and practices reflecting audience and societal interests across all professional media, improving coverage of where audiences are increasingly accessing media. Would update redress mechanisms to ensure they are fit for purpose. Due to scope, would not address public concern and feedback about the harms from, and need to regulate, social media.	**-** Would remove mandatory standards and practices for broadcasters (including online broadcasters); some have indicated they will not join voluntary self-regulatory bodies, and there remains a broader risk over time that voluntary membership across all professional media will reduce (particularly in the context of a de-regulating policy direction). This would limit the effectiveness of self-regulation in ensuring professional media meets audience and societal interests. Would remove a means for audiences to challenge unfair treatment or depiction, or breaches of privacy by broadcasters in the short-term (as these standards and enforcement mechanisms are less robust under self-regulation). Potential further impacts in the long-term if broadcasters decide not to join a self-regulatory body, or join a body with insufficient standards and processes to sufficiently protect audience interests. Potential negative impacts on individuals and communities resulting from content that would otherwise breach broadcasting standards not being addressed (for example, a lack of balance contributing to polarisation), causing some individuals to stop consuming such content in the future. Would remove avenue for complainants to be compensated for privacy breaches by some broadcasters as the Privacy Commissioner cannot investigate complaints against 'news entities'. Unless and until the Media Council or another self-regulatory body established processes to compensate complainants, this would leave only the limited and more expensive avenue of court action in tort law.[35] Would not address public concern and feedback about the harms from and need to regulate social media.
Regulatory coherence	**0** Inconsistent regulatory treatment depending on form and method of content delivery (e.g. a film that is broadcast, watched on-demand or played on a disc are subject to different regulations). Gaps and overlaps between broadcasting standards regime, classification and labelling regime, and media self-regulatory regime.	**+** Would support coherence by establishing consistent (but flexible) regulatory standards and processes across all professional media content. Due to scope constraints, would likely leave some regulatory coherence issues in relation to classification and labelling requirements.	**0/+** Would alleviate some coherence issues by removing separate treatment for broadcast content. Consequential amendments would seek to minimise inconsistencies and unintended impacts across regulatory settings.
Compliance costs and navigability	**0** Multiple overlapping regulatory regimes have been in place for a long time so are broadly understood by media providers, but likely to be difficult to navigate for audiences who do not regularly engage with these regimes. Compliance costs for broadcasters include requirements on those with more than $0.5m annual revenue to pay a levy to support the regime's operation (totalling around $0.72m in 2024/25). The difficulty of complying with different regimes has become more pronounced as media businesses and forms converge.	**+** A consistent, all-encompassing professional media regulatory system would support jurisdiction clarity for media entities and audiences. Would extend regulation to media organisations that have previously been excluded, which would impose a corresponding implementation learning curve and ongoing compliance costs for a wider range of media (which may be partially offset by savings for currently regulated broadcasters, through a wider pool of contributors and lighter-touch and more flexible obligations). Due to scope constraints, would retain confusion about how to raise issues about social media content (or exacerbate it, given reform may be expected to address societal concerns about social media).	**+** Removing mandatory regulation of broadcasters and signalling an expectation of self-regulation clarifies intent, though the extent of consistency between broadcasters and other media that may be achieved under self-regulation is currently unclear. Operational changes required of broadcasters would likely be minimal as many are already members of the Media Council. Potential workload increase (and corresponding membership fee increases) for self-regulatory bodies, particularly if they decide to expand role and/or functions in response to BSA disestablishment. Simplified points of entry for audience complaints may be offset by reduced clarity about complaints avenues, without BSA's educative and guidance functions.

[35] However, of the seven privacy complaints upheld by the BSA in the last five years, it has awarded compensation averaging $1000 for two of them. As such, it is estimated that the risk of serious issues arising from this are low.

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	Option A1 – Status Quo	Option A2 – Reform	Option A3 - Repeal
Government costs and efficiencies	**0** Government part-funds the BSA's operation (currently $0.989m p/a), monitors and administers functions in relation to it in accordance with the Crown Entities Act 2004.	**0/-** Would require legislative change and a new operating and funding model for the regulator. Assuming costs would continue to be shared between industry and government, and given an expanded regulatory scope would be at least partially offset by lighter-touch regulatory functions, it is not expected current ongoing costs would increase substantially. One-off funding to support implementation and transition would likely be needed.	**0/+** Government would no longer need to fund the BSA. Would require development and implementation of legislative changes (the latter of which would likely involve some cost to Government); however, action required should fit broadly within existing workstreams, and costs would not be expected to exceed a year's worth of current BSA appropriation. Net impact unlikely to be significant.
Te Tiriti o Waitangi	**0** The BSA's guidance and corporate documents, and the Code of Broadcasting Standards, explicitly incorporate te Tiriti principles and acknowledge the need for ongoing work to ensure they are reflected properly. Upholds and honours the Treaty relationship by setting standards for broadcasters in consultation with iwi/Māori representatives that protect te reo Māori as taonga, and providing means of redress for content that is harmful to Māori through the complaints function. However, the lack of regulatory coverage beyond broadcasting reduces the effectiveness of these provisions and undermines the Crown's observance of active protection of Māori rights and interests, particularly as threats to these rights and interests are generally seen to be more pressing in relation to new media.	**+** Expanded coverage of more media organisations and updated tools for dealing with standards non-compliance would provide more opportunity for government to meet te Tiriti obligations, particularly with respect to active protection of Māori taonga and tikanga and options for remedy and redress where Māori content has been misused. Regulator's ability to start its own investigations provides more opportunity for government to meet te Tiriti obligations around active protection and equity.	**--** Given the strategic importance of broadcasting to the revitalisation of te reo Māori and the presentation/accessibility of Māori stories, places, voices and faces, removing government oversight of broadcasters would likely be seen by some as breaching the Crown's obligations as a treaty partner with respect to active protection, partnership, and options for remedy and redress, particularly given: - the structural obligations of Crown entities in relation to te Tiriti (demonstrated by the BSA's standards, practices and precedents), compared with non-governmental bodies - repealing the BSA would remove an appeals pathway to the High Court. Greater reliance on self-regulation would empower Māori media organisations to manage complaints internally and through industry self-regulatory bodies they choose to be members of. However, this may place more onus on them to advocate for and ensure codes and practices appropriately protect Māori interests. No external oversight of media organisations that are not members of industry self-regulatory bodies may particularly undermine Māori interests, noting some higher-profile examples under the status quo may be perceived as less accepting or accommodating of te Tiriti principles.
Overall assessment	**0** The status quo is unsustainable and change is required.	**++** This option is a significant improvement over the status quo as it best meets the objectives, particularly in relation to audience and societal interests, and delivers best on the Crown's Te Tiriti obligations.	**+** This option improves on the status quo in respect of evening the playing field between broadcasters and other media organisations and simplifying the regulatory system. However, it requires trade-offs between different types of audience and societal interests – facilitating choice and indirectly supporting media plurality but removing safeguards against, and avenues for recourse for, discriminatory content – and against the Crown's obligations under Te Tiriti o Waitangi.

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What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

72. MCH considers Option A2 – Reform best addresses the problem, meets the objectives and fulfils the criteria.

73. The status quo no longer reflects the reality of the modern media environment. It is unsustainable and change is needed. Option A3 – Repeal would level the playing field between broadcasters and other media, but there are significant trade-offs against audience and societal interests and analysis and evidence gathering has been limited by the time constraints on this work. While we note assessment against the criteria indicates Option A3 performs better than the status quo, we remain concerned about the broader implications of repeal with no further substantive action to uphold the Government's mandate to act in the public interest. The modern media environment does provide a diversity of options which were not available at the time the standards regime was implemented in 1989; however, broadcast and other types of content continue to carry the capacity to cause harm to both individuals and groups, and MCH considers that the government should not retreat from regulation in this area.

74. Option A2 has been consulted on publicly in 2025 and would allow for media regulation to be modernised and provide for equitable treatment across professional media organisations, preserving the full ambit of freedom of expression while supporting audiences' access to accurate and fair professional media content (with recourse for content that does not meet these standards). It would also position the regulator for the future, allowing it to have a more strategic oversight role and focus its time and resource on investigations likely to improve outcomes for audiences

75. There are polarised views on the best approach to regulation in this sector and this option would not be preferred by portions of the public or portions of the media sector. It would have significant impacts on non-broadcast professional media organisations which are not currently subject to similar regulatory oversight. Further policy analysis and engagement would allow for more detailed assessment of these impacts; however, MCH considers the societal benefits of reform outweigh the costs, especially over the long term.

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Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

76. No – the Minister's preferred option is Option A3 – Repeal. The Minister considers the risks the Ministry has outlined in respect of repeal are outweighed by its benefits, including that it:

- evens the playing field between broadcasters and other media organisations and avoids needing to draw a line between regulated and unregulated media, which tends to raise complex issues around regulating personal online content or limiting freedom of speech.
- assuming self-regulatory bodies expand their roles and functions, aligns with the long, successful record of self-regulation by organisations like the Media Council. Its record supports the notion that self-regulation could be an effective approach going

forward, especially in an environment where broadcasters are competing with non-broadcast professional media already.

- is likely to require little change of broadcasters, many of which are already members of the Media Council and subject to its broadly similar approach to journalistic standards and complaints process (at least in the short term, noting self-regulatory bodies will retain the prerogative to adjust processes and obligations as they see fit).
- can be progressed independently of, and is not necessarily inconsistent with undertaking, other work on media regulation in the future.

What are the marginal costs and benefits of MCH's preferred option in this RIS?

NB marginal costs of the Minister's preferred option are summarised in Section 2B, following assessment of (and including choices in relation to) policy options subsequent to the decision to proceed with Option A3.

77. As monetised costs and benefits have not been quantified due to constraints on time and consultation, the below table illustrates high-level best estimates of the qualitative costs and benefits on different parties of the Ministry's preferred option, Option A2 - Reform.

Affected groups	Comment.	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Broadcasters	Disruption – one-off, monetised and non-monetised, adjusting to new processes with corresponding implementation costs	Low – broadcasters already participate in regime	Low – further policy work required to design system and consult with affected parties on extent of cost (and how to minimise/ mitigate).
Other professional media	Disruption – one-off and ongoing, monetised and non-monetised, implementation of new processes with corresponding one-off and ongoing costs Regulator cost recovery requirements – ongoing, monetised, new cost	Medium-High – substantial change, especially over short-medium term	
BSA	Disruption – one-off, monetised and non-monetised, role transition and implementation of new processes	Medium – substantial reform, but builds on existing frameworks	Medium – based on iterative discussions about reform options over time, subject to detailed design work.
Other government regulators	Transition and implementation support costs – one-off, monetised and non-monetised	Low – scope constraints mean no significant change to related regulation	
Industry self-regulatory groups (and	Transition costs – one-off, monetised and non-monetised	Low-Medium – intent to preserve existing practice /	Low - further policy work required to design

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Affected groups	Comment.	Impact	Evidence Certainty
their members)	Potential for modest ongoing costs related to any new or expanded activities/membership	arrangements, where appropriate	system and consult.
Government	Transition costs – one-off, monetised and non-monetised, including of implementing legislation Administration costs – ongoing, monetised and non-monetised	Low - compared to counterfactual, as ongoing costs are not expected to be significantly higher	Low - further policy work required to design system and consult.
Total monetised costs	Most costs are one-off and short-term, but larger ongoing costs for non-broadcast professional media	Low-Medium	Low
Non-monetised costs	Almost exclusively opportunity costs; we do not consider this option would impose costs in relation to freedom of expression or the press.	Low	Low
Additional benefits of the preferred option compared to taking no action			
Broadcasters	Level playing field /more equitable treatment between broadcasters and other professional media – ongoing, monetised and non-monetised	Medium – improves fairness	Medium-High – strong advocacy over a long period for this issue to be addressed.
Other professional media	Regulatory clarity (particularly for online broadcasters) – ongoing, monetised and non-monetised, updated legislation clearly defines intent of, and roles in, modern standards regime Potential for improved services/ reputational value – ongoing, monetised and non-monetised	Low – moving from unregulated to regulated; unlikely to be valued by those media required to make changes to practices	Low – further policy work required to design system and consult with affected parties on extent of benefit (and how to maximise).
BSA	Regulatory clarity – ongoing, monetised and non-monetised, updated legislation clearly defines intent of, and roles in, modern standards regime Sustainability – ongoing, monetised, increased levy base and revised financial model	High – significant improvement	Medium – based on iterative discussions about reform options over time, subject to detailed design work.
Other government regulators	Regulatory clarity – ongoing, monetised and non-monetised, updated legislation clearly defines intent of and roles in modern standards regime	Low – scope constraints mean no significant change to related regulation	

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Affected groups	Comment.	Impact	Evidence Certainty
Industry self-regulatory groups	Regulatory clarity – ongoing, monetised and non-monetised, updated legislation clearly defines intent of and roles in modern standards regime Potential increase in value/ reputation of membership from compliance with/endorsement via regulatory regime – ongoing, monetised and non-monetised	Low-Medium – intent to preserve existing practice / arrangements, where appropriate	Low - further policy work required to design system and consult.
Audiences	More effective regulation – ongoing, non-monetised, assurance of trustworthy, standards-compliant content and regulatory responsiveness to audience interests and individual instances of harm, improved clarity and ability to navigate regime	Medium-High – particularly over time	Medium – evidence from overseas regulatory shifts, previous policy proposals and consultation feedback.
Government	More effective regulation – ongoing, monetised and non-monetised, legislation no longer outdated International alignment – ongoing, non-monetised, more similarities with international comparators	Medium – good regulatory stewardship	
Total monetised benefits	Monetised benefits likely to be modest and indirect	Low	Low
Non-monetised benefits	Most non-monetised benefits are ongoing and long-term	Medium-High	Low

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Section 2B: Assessing options for the classification and labelling of broadcasters' content

78. As outlined in Section 2A above, repealing the broadcasting standards regime would have implications for the classification and labelling of content (including for the regime established under the Classification Act). Initial assessment suggests the options for change have more substantial impacts than other cross-legislative implications, so they are considered separately here in Section 2B.

What is the context behind the policy problem and how is the status quo expected to develop?

The Classification Act has historically excluded broadcast content due to provisions in the Broadcasting Act

79. The Classification Act has two objectives, to:

- **identify content that should be illegal (objectionable) or content that should have restricted access**. This covers all 'publications' (broadly defined to include any recorded content, including that which can be or has been broadcast).
- **require 'films' be labelled with age suitability and other consumer information before they are exhibited, sold or made available to the public**. 'Film' is defined broadly to include all recorded visual media. However, labelling is not required before films are broadcast on the basis that Codes of Practice authorised under the Broadcasting Act govern classification and labelling of broadcast content.

80. The Broadcasting Act places responsibilities on broadcasters to observe broadcasting standards that are consistent with good taste and decency and any approved code of broadcasting practice. To meet these responsibilities, broadcasters are required to provide consistent reliable information to audiences about the nature of programmes so that audiences could exercise choice and control over their viewing and listening.

81. Under the Code of Broadcasting Standards, television programmes must be classified by broadcasters using approved ratings and appropriate advisories.[36] Radio broadcasters are required to provide verbal warnings to listeners where content is likely to disturb, offend and be generally outside the audiences' expectations.

Some types of content are either carved out of requirements or subject to different models of classification

82. While most entertainment content is classified either under the Classification Act or Broadcasting Codes of Practice, news, current affairs, sports and live content is not. Because of its distinct nature, it is challenging to classify – as these types of content are generally targeted at adults, it is expected any children watching or listening will be supervised to mitigate some of the risks. However, broadcasters must be mindful of children's interests and other broadcasting standards and include audience advisories where appropriate, to enable the audience to exercise discretion.

[36] The classifications under the Code of Broadcasting Standards are G, PG, M, 16, 18 and advisories include warnings about content, violence, language, sexual content and additional advisories where content is likely to disturb children. These classification ratings are similar to those under the Classification Act, but have a different level of oversight and less stringent requirements.

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83. Similarly, radio content is not required to be classified under the Classification Act or Code of Broadcasting Standards, but under the broadcasting standards regime radio broadcasters are required to schedule radio content responsibly, particularly at times where children are likely to be listening, and provide verbal content warnings before content that is likely to be outside audience expectations, disturb children or offend or disturb a significant section of the audience.

84. The Commercial Video On-Demand (CVOD) framework was rolled-out under the Classification Act from 2021, with the intention of extending classification and labelling standards to paid, on-demand operators operating in New Zealand. It requires regulated providers to use an approved self-rating system to issue labels for content they make available, display these labels so that consumers can make informed choices, and pay a levy (currently $57,200 annually) to the Classification Office to support the framework's administration. The framework explicitly excludes Broadcaster Video On-Demand (BVOD) providers like Māori+, ThreeNow and TVNZ+.

In the absence of the broadcasting standards regime, decisions are required for how broadcast content should be classified and labelled

85. If Option A3 – Repeal is pursued, consequential amendments will be required to be made to the Classification Act to preserve current prohibitions under the Broadcasting Act in relation to broadcasting objectionable content. However, more substantive policy choices need to be made about how broadcasters are treated under the Classification Act, and whether and how other arrangements provide for classification and labelling of broadcast content.

What is the policy problem and what objectives are sought in relation to that problem?

86. As broadcast content is exempt from the classification and labelling requirements of the Classification Act, **repeal of the BSA would remove the enforceable requirement for television broadcasters to classify and label their content** (with some exceptions, such as news, current affairs and sports content which are not captured by either regime).

87. This would leave broadcasters responsible for classifying their own content without central oversight. Some broadcasters may choose to stop classifying content altogether or apply inconsistent standards. In turn, these outcomes could **undermine audience interests and inadvertently expose audiences to inappropriate content**, as viewers would no longer have reliable information to help them make informed choices about what they watch or provide guidance for children and young people.

88. The objective of options to address this issue is to support informed consumer choices about what content they (and children in their care) engage with.

What scope will options be considered within?

89. This is a limited, targeted intervention to close a regulatory gap that would be left by Option A3 - Repeal. Given the limited scope of this proposal and the fact the classification regime sits within the Internal Affairs portfolio, we have excluded broader reform options, which would require additional work to analyse and quantify impacts.

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90. As radio content is largely outside the classification requirements and would require an additional regulator to administer, the classification of radio content is considered to be outside the scope of this work and would be addressed through self-regulation. For the same reasons, the scope of options also excludes incorporating non-audiovisual media into the classification regime.

What options are being considered?

Option B1 – Counterfactual

91. As broadcast content is exempt from the classification and labelling requirements of the Classification Act, if no other action were taken, repealing the broadcasting standards regime would remove the enforceable requirements for television broadcasters to classify and label their content.

92. This scenario would leave broadcasters to decide how to classify and label their own content without central oversight.

93. While broadcasters may choose to continue to use the legacy broadcasting classifications and labels, these would not be enforceable, maintained or reviewed. This scenario would leave broadcasters to decide how to classify and label their own content without central oversight, unless and until self-regulatory bodies impose obligations on members in relation to classification and labelling.

Option B2 – Retain existing requirements and extend them to broadcasters' on-demand platforms

94. To prevent broadcasters from not having any content classification or labelling requirements, this option would disestablish the BSA but retain parts of the BSA's Code of Broadcasting Standards and incorporate them into regulations under an amended Broadcasting Act.

95. This option would formally specify that the requirements extend to broadcasters' on-demand platforms, closing a regulatory gap in the current system. Currently, BVOD content is not officially captured by a content labelling and classification regime, however, broadcasters generally carry-over the same classifications of their conventional (linear) broadcast content to their on-demand content.

96. As this option would follow the disestablishment of the BSA, MCH would need to be designated to administer and monitor compliance with the regulations. This would be a new operational function for the Ministry.

Option B3 – include broadcasters' on-demand platforms in the CVOD framework

97. This option would amend the Classification Act to include broadcasters' video on-demand (BVOD) platforms in the CVOD framework. This would remove the exemption for BVOD content from the definition of CVOD provider, which would bring BVOD providers into the scope of the CVOD provisions only if they meet criteria where the assessed risk of harm to viewers justifies their inclusion in the CVOD framework. Once BVOD providers are included in the CVOD framework, this would require BVOD content to be labelled like CVOD content (by using an approved self-rating system) and would create consistency of consumer information across on-demand content.

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98. Conventional broadcast content would continue to be outside of the Classification Act, but broadcasters would be given an exemption to be able to use BVOD classification labels for their broadcast content if they chose. This would effectively invert the current situation; rather than broadcasters voluntarily transferring the classifications of their broadcast content to their on-demand content, the opposite would occur.

99. The classifications and labels under the CVOD framework apply to 'films', which includes movies and television shows, but not to audio on-demand content, such as podcasts and music. Therefore, this option would not involve any legislative obligations analogous to classification and labelling in relation to radio broadcast content or on-demand audio platforms operated by broadcasters. It would remain open to self-regulatory bodies to impose substitute obligations on radio broadcasters.

Option B4 – amend the Classification Act to include broadcasters' on-demand content in the CVOD framework and also include TV broadcast content

100. This option would build on Option B3, but would provide for Classification Office oversight of BVOD content and television broadcast content. Under this option, broadcasters would be required to use a framework approved by the Classification Office to classify both their audiovisual broadcast and on-demand content.

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How do the options compare to the counterfactual?

	Option B1 – Counterfactual	Option B2 – retain existing requirements and extend them to broadcasters' on-demand platforms	Option B3 – include broadcasters' on-demand platforms in the CVOD framework	Option B4 – include broadcasters' on-demand content in the CVOD framework and also include TV broadcast content
Level the playing field	**0** Some New Zealand audiovisual broadcasters' on-demand services would not be required to classify and label their content, while specified other audiovisual on-demand content providers would be required to use the CVOD framework. All other professional media content (including broadcast audiovisual content and all audio content), would not be subject to any requirements analogous to labelling or classification, unless and until self-regulatory bodies impose obligations (which would apply only to their members).	**0** Retains current practice for some broadcasters, but inconsistent treatment compared to classification requirements for other on-demand operators under the CVOD framework. Entrenches known inequities across broader classification regime. Would impose modest obligations on audio broadcasters (which would not apply to on-demand audio media).	**+** Would provide consistent classification and labelling standards for most on-demand professional audiovisual media content watched by New Zealand audiences (to the extent providers are designated), and allow (but not require) consistency across broadcast content. Would retain some known inequities across broader classification regime, including not capturing content on non-designated platforms (including YouTube). Same impacts as counterfactual in respect of non-audiovisual media.	**+** Same impacts as for Option B3, but would also ensure (rather than allow) consistent classification and labelling standards for broadcast content.
Audiences' and society's interests	**0** Risks eroding audience and societal interests, particularly over time, without guaranteed oversight for classification and labelling standards. There is also a risk that some broadcasters may stop classifying content altogether or would apply inconsistent standards, further eroding audience and societal interests. As a result, audiences could inadvertently be exposed to inappropriate content and viewers may no longer have reliable information to help them make informed choices about what they, or children and young people in their care, watch.	**++** Ensures audiences can exercise informed choice in respect of engagement with broadcast, BVOD, and radio content.	**+** Provides consistent classification and labelling requirements for audiovisual on-demand content so that audiences can continue to make informed choices. Broadcasters are likely (but not guaranteed) to use the same classifications and labels for their broadcast content. As most audiences now engage with content on-demand rather than via scheduled broadcasts, the risk to audience interests of inadequate classification and labelling of broadcast content is assessed as low.	**+** Supports audiences to make informed choices about engagement with audiovisual content if it's watched on TV, in the cinema, or on-demand. Same risks as for counterfactual in respect of audio content.
Regulatory coherence	**0** Would retain current inconsistency where some on-demand services are subject to Classification Office oversight while others are not. Would also mean broadcast content would be subject to fewer restrictions than other media that are subject to the Classification Act.	**0** Inconsistency of classification and labelling standards between those retained from the Broadcasting Act and the Classification Act.	**+** Provides the same classification and labelling requirements for audiovisual on-demand content provided by media designated under the Classification Act. Retains known inconsistencies identified in respect of 'levelling the playing field' criterion.	**+** Provides the same classification and labelling requirements for all on-demand and broadcast content (if providers are designated). However, the classification regime was not designed for the more passive exposure of broadcast content, so the option may create (or require significant amendments to avoid – see 'Government costs and efficiencies' criterion) internal regulatory coherence issues. Retains some known inconsistencies identified in respect of 'level the playing field' criterion.

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	Option B1 – Counterfactual	Option B2 – retain existing requirements and extend them to broadcasters' on-demand platforms	Option B3 – include broadcasters' on-demand platforms in the CVOD framework	Option B4 – include broadcasters' on-demand content in the CVOD framework and also include TV broadcast content
Compliance costs and navigability	**0** While there may be no immediate change for audiences and operators if current broadcasting standards classifications continue to be used, the absence of clear requirements for classification and labelling likely to create confusion for broadcasters and audiences unless and until self-regulatory bodies set out/clarify obligations for members.	**0** Audiences and broadcasters would continue to navigate two classification and labelling systems; however, requirements would be clearer with less confusion over time.	**+** Reduces difficulties of duplication for broadcasters, particularly those currently captured by the Broadcasting Act and CVOD classification and labelling standards (i.e. Sky), and resultant confusion for audiences. BVOD providers would have to adjust to a new classification system which would carry modest compliance costs. Compared to the counterfactual, the CVOD levy would impose costs for TVNZ and Whakaata Māori [redacted]	**0** Similar impacts to Option B3, but would have a greater compliance burden for broadcasters and would have potential risks for the application of Classification Act ratings which were developed to support consumer choices in relation to available content and publications and not designed for the more passive exposure to conventional broadcast content.
Government costs and efficiencies	**0** No costs to the Crown.	**-** Transitioning requirements in the Code of Practice to regulations administered by MCH is likely to present implementation challenges in the short term and ongoing costs for oversight and enforcement (given no comparable functions or expertise currently held).	**0** Not expected to have significant operational implications for the Classification Office, and any additional resourcing impacts would be offset by increased revenue through the CVOD levy.	**-** This option would increase complexity and costs for the Classification Office as it would be required to change processes and administer the regime in respect of a greater range of content and delivery models, without any additional levy revenue (as the levy applies to provider rather than platform).
Te Tiriti o Waitangi	**0** Removes Crown role in relation to classification and labelling requirements, undermining the ability to meet Te Tiriti obligations in respect of partnership, active protection, and options (particularly noting Māori population is disproportionately younger than the general population).	**+** Would preserve Crown's role, and ability to partner with Māori, to set and enforce obligations in relation to broadcast classification and labelling requirements in a way that upholds Te Tiriti principles of partnership, active protection, and options.	**0/+** As for option B2. Potential negative impacts in respect of upholding principles of tino rangatiratanga, equity and options if Whakaata Māori faces current levy costs under CVOD framework, [redacted] Transition costs may also be more challenging for Whakaata Māori to meet (as a non-commercial broadcaster).	**0/+** As for option B3.
Overall assessment	**0** Inconsistent treatment between on-demand operators and risks eroding audience interests over time.	**0/+** Improves on the counterfactual by supporting audience interests but entrenches existing inconsistencies across classification and labelling frameworks and creates complexity and cost to government in respect of implementation and ongoing administration.	**+** Improves on the counterfactual across most criteria, but retains some inconsistency and gaps in respect of classification and labelling requirements.	**+** As for option B3, but adds cost and complexity for government.

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What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

101. If Option A3 - Repeal is progressed, then both the Minister and the Ministry's preferred option in respect of classification and labelling is Option B3. While some content would not be covered by legislative classification and labelling requirements, it would deliver consistent standards for most of the professional audiovisual content that audiences watch, and minimise costs and impacts for government. In addition, Option B3 rectifies a preexisting regulatory gap and supports a more level playing field by bringing TVNZ+, ThreeNow and Māori+ into the regulatory framework currently applying to CVOD services (like Netflix and Disney+) under the Classification Act.

102. By reducing duplication, Option B3 has particular compliance cost reduction benefits for Sky (which currently is captured under two classification and labelling systems). While unquantified in the time available, it is expected that transitioning to the CVOD framework would have modest implementation and ongoing compliance costs (including levy costs) for TVNZ and Whakaata Māori, though transitional arrangements will seek to minimise these costs and the Classification Office is available to support and assist these broadcasters through the onboarding, processing and maintenance of classification and labelling requirements. 9(2)(f)(iv) [redacted]

103. Option B4 would have the benefit of wider coverage, however, the marginal benefits compared with Option B3 are relatively small given most audiences access content online or on-demand already and B3 would be more straightforward to implement. Option B4 would also place a greater operational burden on the Classification Office, involving higher costs to government.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

104. Yes (in respect of classification and labelling, if Option A3 – Repeal is progressed).

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

NB the table below summarises the cumulative costs and benefits of the Minister's preferred options in relation to sections 2A and 2B.

105. As for the costs and benefits of the Ministry's preferred option under section 2A, monetised costs and benefits have not been quantified due to constraints on time and consultation and the table below illustrates high-level best estimates of the qualitative costs and benefits on different parties.

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Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
TV broadcasters	Disruption – one-off, monetised and non-monetised, transition period adjusting to changed processes with corresponding implementation costs CVOD levy – ongoing, monetised, new cost (currently $57,200 per annum)	Medium – short-term impacts most significant	Low – further policy work required to design system and consult with affected parties (on extent of cost)
Radio broadcasters	Disruption – one-off, monetised and non-monetised, adjusting to new processes with corresponding implementation costs Membership fees – ongoing, monetised, if joining a self-regulatory body	Low – unlikely to be widespread impacts	Low – limited engagement or evidence of costs of compliance
Non-broadcast professional media	Regulatory clarity – retain choice to opt into self-regulation, with associated costs	Low – no change required	Medium – limited change from status quo
BSA	Disestablishment – one-off, monetised and non-monetised, significant disruption	High – significant impacts on personnel	Low – transition work to be completed
Other government regulators	Transition and implementation support costs – one-off, monetised and non-monetised, Classification Office picking up new role	Medium – some adaptions required	Low – further work on transition + implementation required
Industry self-regulatory groups	Increased workload – one-off and ongoing, monetised and non-monetised, groups to determine whether to expand/amend self-regulation in absence of BSA/government regulator	Medium-High – potential for significant work required	Low – limited data on potential impacts, depends on industry choices
Audiences	Reduced avenues for recourse and increased risk content not subject to industry and community standards, with potential societal flow-on implications (e.g. trust in media and institutions) – ongoing, monetised and non-monetised Court costs – one-off, monetised and non-monetised, if seeking other avenues to pursue complaints	Medium – potential risk for harms or litigation	Low – limited evidence, no consultation with audiences
Government	Transition costs – one-off, monetised and non-monetised, including implementing legislation Court operational costs – ongoing, monetised, implementing changes relating to privileges and potential for	Low – legislative change process and associated consequential changes	Low – limited comparative examples of disestablishment

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Affected groups	Comment	Impact	Evidence Certainty
	people to take grievances straight to court (given waive rights to other dispute resolution under Media Council model) Removal of regulatory lever – ongoing, non-monetised, no longer able to effect change in the sector via a regulator	Court operational costs expected to be minimal	
Total monetised costs	Total monetised costs likely to be low to moderate in the short term, though broadcasters who currently contribute less than $57,200 through the broadcasting levy may face an ongoing increase (i.e. Whakaata Māori)	Low-Medium	Low
Non-monetised costs	Self-regulatory groups and audiences most affected over the long-term, with significant short-term impacts on the BSA	Medium	Low
Additional benefits of the preferred option compared to taking no action			
Broadcasters	Equal treatment – ongoing, monetised and non-monetised, level playing field between broadcasters and non-broadcasters Reduced costs – ongoing, monetised, no longer paying broadcasting levies (total approximately $700k annually)	Medium-High – improves fairness	Low – further work required to design system and consult with affected parties (on extent of benefit)
Non-broadcast professional media	Regulatory clarity – ongoing, non-monetised, retain choice to opt into self-regulation, with associated benefits	Low – no change required	Low
Other government regulators (excluding BSA)	Regulatory clarity – ongoing, monetised and non-monetised, consequential changes clarify aspects of regulation	Low – should be absorbable as business-as-usual work	Low
Industry self-regulatory groups	Increased revenue – ongoing, monetised, from more members Membership more appealing – ongoing, monetised and non-monetised, more unique offerings in the absence of the BSA	Medium	Low – further engagement required to assess
Audiences	Regulatory clarity – ongoing, non-monetised, consistency of classification and labelling across on-demand video media leading to more informed choices about content consumed	Low	Low
Government	Reduced costs – ongoing, monetised, BSA will no longer need Crown funds ($0.989 million annually)	Low – returned Crown revenue	Low

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Affected groups	Comment	Impact	Evidence Certainty
Total monetised benefits	Total monetised benefits expected to be marginally positive through lower levy costs to most broadcasters and reduced Crown costs	Low-Medium	Low
Non-monetised benefits	Benefits flow to broadcasters and self-regulatory groups	Low	Low

Section 3: Delivering an option

How will the proposal be implemented?

The Minister's preferred option requires legislation and a transition plan for affected groups

106. Legislation is required to give effect to the Minister's preferred option – to disestablish the BSA and repeal the broadcasting standards regime, and implement the associated consequential changes. The proposed vehicle for making these repeals and amendments is an omnibus bill 9(2)(f)(iv) [redacted] MCH will work with the Parliamentary Counsel Office and other relevant agencies to draft the legislation required. The timeframes for this work progressing are subject to political prioritisation.

107. In tandem, MCH will work with the BSA, Media Council, ASA, Classification Office and relevant government agencies to plan for and ensure an appropriate, efficient transition, including following the machinery of government processes required to disestablish a Crown entity. The approach to the transition plan will ensure that:

- critical BSA services can continue without disruption during transition
- clear lines of accountability and governance are maintained through the transition
- public communications are well managed and stakeholders have certainty of process at all stages
- BSA staff contractual arrangements are fulfilled
- the approach is not over-complicated and all critical issues are managed
- there is certainty on how the functions of the BSA will either stop or be absorbed elsewhere, and processes are ready for 'day one' post-disestablishment
- organisational knowledge and information is recorded and transferred appropriately
- there is a clear record of decisions and actions taken through the disestablishment period to enable appropriate accountability and scrutiny.

108. The precise details of the transition plan will be confirmed once draft legislation is agreed to. Central to this will be the determination of the closure date for the BSA. Determination of the date will be the decision of the responsible Minister, based on advice from MCH and the BSA.

109. In the meantime, the BSA will continue to operate as usual, and broadcasters will remain subject to broadcasting standards and complaints process.

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Implementation of MCH's preferred option would require a significant amount of additional policy development as well as legislation

110. Implementing MCH's preferred Option A2 - Reform would also require changes to legislation. Before this could be done, additional work to flesh out policy options and engagement with affected parties would be required. Given the time constraints and clear Ministerial direction that has been given, efforts have been focused on the potential implementation approach of Option A3 – Repeal instead.

How will the proposal be monitored, evaluated, and reviewed?

111. Given Option A3 – Repeal necessarily reduces third-party oversight, a review of the effectiveness and overall impacts of industry self-regulation as a substitute for the broadcasting standards regime will be completed within three years of the legislation being repealed. This review will be conducted by MCH.

112. Direct engagement with affected parties will be a key component of this review. Additionally, potential metrics that could be drawn on as an indication of the effectiveness of self-regulation include:

- Changes to New Zealand Media Council membership, both volumes and types of media entities
- Complaints to the Media Council and broadcasters (where such processes are retained), both volumes and thematic analysis (e.g. accuracy, fairness and balance) as well as in relation to particular communities and interests (e.g. the use of te reo Māori or LGBTQIA+ representation)
- Any changes to self-regulatory models, including new self-regulatory bodies
- Court cases and other trends related to issues that would have historically been covered by broadcasting standards (for example, for breaches of privacy)
- Research looking at societal impacts, e.g. survey data on trust in media, mis- and disinformation, and minority group experiences of media harm.

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