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## Submission to Broadcasting Standards Authority on: TV Programme Classifications and Timeband Review

Prepared<sup>1</sup> 26 August 2018

The Better Public Media trust appreciates the opportunity to contribute to BSA's consultation on TV Programme Classifications and Time-bands<sup>2</sup>.

The BSA discussion paper asks for feedback on 2 key points:

- a) whether the current free-to television content classifications (G/PGR/AO) should be changed to make them consistent with the Pay-TV classifications (G/PG/M/16/18), and
- b) whether the current time-band restrictions should 1) remain unchanged, 2) be adjusted to incorporate the Pay-TV classifications (including an option for parental locks for PG content), 3) transition to a removal of time-bands (incorporating the classification changes as an interim measure), or 4) remove the time-bands altogether.

**BPM supports an approach to classification which i) minimises the potential for harm to the viewer, ii) ensures consistency across all platforms and iii) maximises compatibility with international content regulation arrangements. As such, BPM supports the basic proposal to make free-to-air and pay-tv classifications more consistent but is agnostic in regard to whether the former should adopt the latter's model or vice-versa. This should be informed by further evidence from the public consultation and ideally be coordinated with any content classification developments by other state sector regulators.**

**BPM takes the view that it would be premature and potentially hazardous to move towards a complete removal of time-band limitations at this point in time. BPM therefore opposes the BSA's option 3 (Transition to Removal of Timebands) or option 4 (Remove All Timebands). BPM has no strong view in respect to the specifics of BSA Option 2 (Adjust Current PGR Timeband), but would not support a relaxation of the current time-bands without other measures to minimise harm.**

The arguments and evidence for BPM's position is explained in the following discussion.

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<sup>1</sup> This paper was prepared by Peter Thompson with input from Allan Martin on behalf of the BPM Trust.

<sup>2</sup> BSA (2018) TV Programme Classifications and Timeband Review.  
[https://bsa.govt.nz/images/2018\\_Classifications\\_and\\_Timeband\\_Review\\_-\\_Long\\_Consultation\\_Book.pdf](https://bsa.govt.nz/images/2018_Classifications_and_Timeband_Review_-_Long_Consultation_Book.pdf)

## Contextual considerations

As the BSA has duly noted in its discussion paper, the evolution of digital media technologies has brought about significant changes in the way the public discovers and accesses audio-visual content. The proliferation of new reception devices coupled with on-demand services has brought about a scenario wherein viewers have unprecedented options in regard to when, where and how to access content, whether that be streaming content online on a mobile device or time-shifted viewing of content recorded on a PVR. Significant changes in audience behavior do invite questions about the efficacy of regulatory provisions such as classifications and time-band restrictions in protecting viewers from harm. It is therefore important to consider the suggested options for regulatory amendment in context.

NZ On Air's 2018 *Where are the Audiences?* report<sup>3</sup> found that linear scheduled television still has an overall weekly reach of 82%, with an overall daily reach of 66%. Moreover, daily reach for linear scheduled television is 80% in the over-45 demographic and 49% in the 15-39 demographic<sup>4</sup>. Even if these figures continue to decline in the next few years, it is important to note that among linear television viewers, the daily average time spent viewing (226 minutes- over 3½ hours) is significantly greater than the time spent by those using other audio-visual media. This data demonstrates that the popular claim that television has already been superseded by online platforms and faces imminent redundancy is incorrect. Given that two thirds of the NZ audience still watch linear television every day (and do so for several hours), it would be premature to conclude that *the normative and technical policy assumptions underpinning regulatory settings for linear scheduled broadcasting are now redundant*.

Of course, that does not mean that *nothing* has changed or that there is no reason to review the existing regulatory arrangement for content. It is important to consider the wider political and economic context of the contemporary media ecology and the place of linear scheduled television service providers within it. Even though linear television audiences remain substantial relative to other media, the business models of both the free to air and subscription sectors have been affected by digital convergence and increased competition for eyeballs and revenue. In particular, television advertising spend has now been surpassed by advertising on digital/online platforms<sup>5</sup>. This partly reflects the increased interest in targeted advertising using personal metrics and the capture of revenues by digital intermediaries like Google and Facebook (which, importantly, do not invest in content production). Meanwhile the rise of subscriber video on-demand (SVOD) services like Netflix has directly attracted subscribers away from Sky's Pay-TV (although they provide a relatively narrow range of genres and do not invest in local NZ content).

It is therefore likely that linear scheduled broadcasters facing intensified competition will support moves to relax current regulatory arrangements where these constrain scheduling flexibility and opportunities to optimise ratings and revenue. Although this would be entirely rational from a commercial perspective, it is important to ensure that any change to broadcast classifications and time-band arrangements does not compromise the primary function of these regulatory settings in minimising the risk of harm to public (especially younger viewers).

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<sup>3</sup> NZ On Air/ Glasshouse (2018) *Where are the Audiences?* 2018 <https://www.nzonair.govt.nz/research/where-are-audiences-2018/>

<sup>4</sup> Note that the 2018 report did not provide break-downs of younger audience demographics, which is unfortunate in regard to assessing the extent to which children can routinely be assumed to be watching scheduled broadcasts, and hence still require time-band based measures to minimise harm.

<sup>5</sup> See Stop Press (2017, May 2) ASA's annual ad spend figures return after one-year hiatus (with a few changes) <http://stoppress.co.nz/news/asa-advertising-revenue-shows-digital-is-booming>

## BSA Research Evidence

The BSA has commissioned or undertaken several recent studies that inform the current consultation. The 2017 Public Awareness Report<sup>6</sup> found that public awareness of filtering technologies for different platforms varied. Although roughly two thirds knew that subscription TV and internet browsers had filters, less than half were aware of filtering options on YouTube or SVOD services, and only one in six was aware of filtering for free-to-air television. Moreover, only a minority of those who were aware of the filtering options for any medium actually utilised them: 12% used filtering on internet browsers, 11% on subscription TV, 8% on YouTube and SVOD services, and just 3% on free-to-air TV. The report findings also suggest that a high proportion of those who were aware of filtering did not actually use it. Significantly, only a small proportion of those who did not use filtering technology indicated that they would use it if they knew how, including 7% for subscription TV, and 2% for free-to-air TV. This suggests that an information campaign to raise awareness about filtering options would be unlikely to produce a significant change in viewer behaviour.

These findings are broadly reinforced by another 2017 TVNZ/BSA survey on parental guidance<sup>7</sup>. This found somewhat higher levels of both awareness and usage of filtering technologies by viewers: Among subscription TV (Sky) viewers, 90% were aware of parental locks and 24% reported using them. Among free-to-air TV (Freeview) viewers, 73% were aware of parental locks and 14% used them. The study also found that 79% of viewers were aware of the time-bands with 20% using these as a guide to viewing decisions (rising to 29% among children in high income households). This may suggest that time-bands play a limited role in informing content viewing decisions, although it must be borne in mind that the efficacy of the evening watershed in preventing exposure of children to adult-oriented material needs to take account of other social behaviour (notably younger children's bedtimes). The TVNZ/BSA study also found very high levels of viewer awareness of television classifications and programme warnings (96 %) but only a minority used them to inform viewing decisions; overall 36 and 38% respectively, although this increases to 53 and 54% among children in high income households. Although these figures suggest that the classification labels are used by some viewers, labels alone may not be sufficient to minimise potential harm to those that are unaware of/do not take notice of them. The data also suggests that socio-economic and demographic factors influence the levels of awareness and actual usage of mechanisms like parental locks. This could imply that the removal of classifications or time-bands is likely to result in more children from lower household incomes being exposed to potentially harmful content compared with those in higher income households.

On that point, another 2017 BSA report<sup>8</sup> examined the use of time-bands within lower socio-economic and 'vulnerable' communities. This qualitative study provides a range of perspectives on the uses (and non-uses) of time-bands. One key issue here is the role time-bands might play in helping structure television viewing behaviour of younger viewers and minimising exposure of children to inappropriate content in households where parental supervision is not consistently available. The study also found inconsistent awareness both of potential risks associated with exposure to age-inappropriate content and the availability of filters/parental locks. It was also noted that families in difficult socio-economic

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<sup>6</sup> BSA/UMR (2017) Public Awareness Online Omnibus Research- Final Report  
[https://bsa.govt.nz/images/2017\\_Public\\_Awareness\\_Survey.pdf](https://bsa.govt.nz/images/2017_Public_Awareness_Survey.pdf)

<sup>7</sup> TVNZ/BSA (2017) Parental Guidance Survey.  
[https://bsa.govt.nz/images/2017\\_Parental\\_Guidance\\_Survey\\_TVNZ\\_-\\_BSA\\_-\\_Green\\_Room.pdf](https://bsa.govt.nz/images/2017_Parental_Guidance_Survey_TVNZ_-_BSA_-_Green_Room.pdf)

<sup>8</sup> BSA/Colmar Brunton (2017) Understanding Timebands within Vulnerable Communities.  
[https://bsa.govt.nz/images/2017\\_BSA\\_Understanding\\_timebands\\_within\\_vulnerable\\_communities\\_study.pdf](https://bsa.govt.nz/images/2017_BSA_Understanding_timebands_within_vulnerable_communities_study.pdf)

circumstances often had other more pressing concerns than regulating younger viewers' television usage, suggesting that time-bands played a role in minimising the potential for harm from television viewing. Although some respondents were amenable to the removal of time bands, especially if mechanisms like parental locks were readily available and usable, the study noted that there would still be still a potential challenge in facilitating actual behavioural change were time-bands to be removed.

In addition to the aforementioned BSA reports, there is some other evidence of how younger viewers themselves make use of television classifications. The 2015 BSA/NZ On Air Children's Media report<sup>9</sup> found that children and parents did use clarifications to inform viewing choices, although identification of problematic content also occurred through actual viewing (which suggests the potential for harm is not reliably avoided). Viewer awareness of the 8.30pm watershed was also found to be declining (2007 data indicated that only 43% of parents and 16% of children were aware of this, although the majority of younger children were no longer watching television by that time anyway). Another concern raised was the increasing exposure of younger viewers to challenging content through online media. Interestingly, the evidence suggested children respond more actively to challenging content encountered online compared with responses to comparable content on television (perhaps reflecting the 'push/pull' character of linear television versus online).

On a related theme, two 2013 Office of Film & Literature Classification reports<sup>10</sup> included evidence of how young people used film/DVD and videogame labels to inform their viewing/playing decisions. These found that age-related labels alone were not always sufficient to enable informed decisions, and that different models of classification labels (including those from overseas) were a source of confusion about what sort of content was appropriate. Moreover, the ratings labels were found to be a more significant source of content information than the descriptive labels. Even if detailed advisories are helpful to parents, they may not be sufficient to prevent harmful/inappropriate content choices among adolescent viewers making their own content decisions.. This highlights the need for consistent and minimally ambiguous classification systems across platforms. As children matured, the perceived relevance of classifications declined as a factor shaping content decisions. Among 16-18 year olds, classifications were nevertheless considered useful some of the time (e.g. guiding parental decisions for children or their own choices for younger siblings). However, the influence of classifications on content decisions was reduced when content was being selected for *personal or peer-group consumption* (see diagram below). This adds weight to the argument that consideration be given to children in lower socio-economic households who may be more likely to have unsupervised access to television and other media.

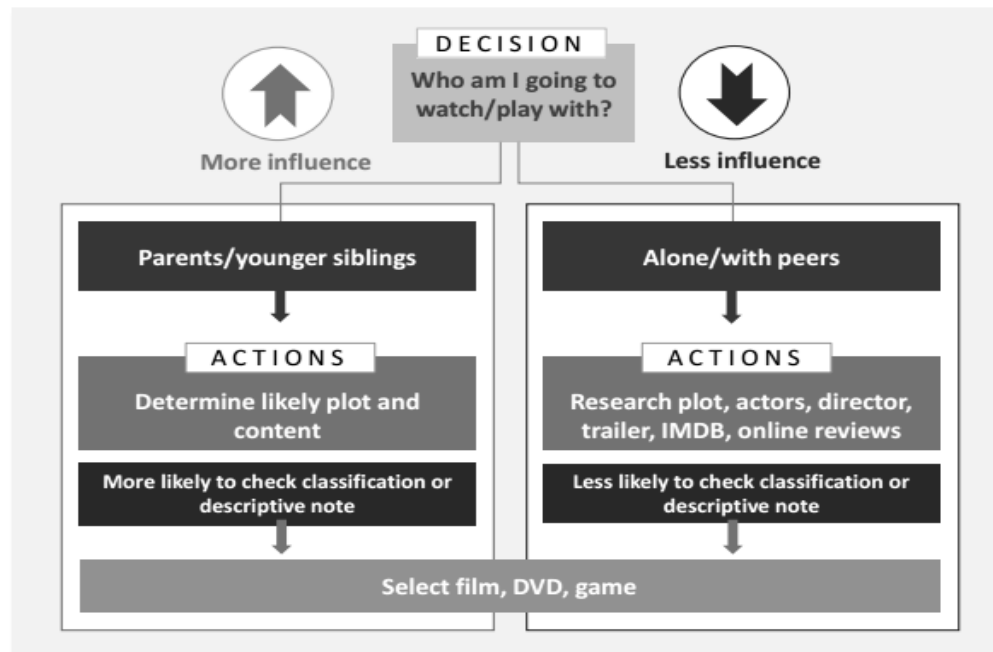
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<sup>9</sup> NZ On Air/BSA/Colmar Brunton (2015) Children's Media Use Study- How our children engage with media today. [https://bsa.govt.nz/images/assets/Research/Childrens\\_Media\\_Report\\_2015\\_FINAL\\_for\\_publishing\\_2.pdf](https://bsa.govt.nz/images/assets/Research/Childrens_Media_Report_2015_FINAL_for_publishing_2.pdf)

<sup>10</sup> OFLC (2013) Young People's Perceptions of the Classification System and Potential Harm from Media Content. <http://www.censor.org.nz/assets/PDFs/Research-Young-Peoples-Perceptions-discussion-groups-2013.pdf>

See also: OFLC (2013) Young People's Perceptions of Media Content- a literature review. <https://www.classificationoffice.govt.nz/assets/PDFs/research-young-peoples-perceptions-literature-review-2013.pdf>

Diagram: Influence of classifications on decision making



OFLC 2013, p. 19: <http://www.censor.org.nz/assets/PDFs/Research-Young-Peoples-Perceptions-discussion-groups-2013.pdf>

The need for a more consistent approach to content classification labels across platforms has been recognised by the Ministry for Culture and Heritage which held a workshop earlier in 2018 with various stakeholders (including BPM) to discuss a range of content-related issues. Obviously this is an issue that also concerns the Office of Film & Literature Classification. If there is a broad consensus across media sector stakeholders that greater consistency across different media (and perhaps even across national jurisdictions) is desirable, then it could be premature to unilaterally revise the BSA classification code at this moment in time without aligning this with other regulators and policy trajectories. Given the increasingly globalized distribution of audio-visual content, there may also be an argument for exploring the options to increase the international coherence of content classification (although different national audiences may exhibit somewhat different cultural tolerance levels for various forms of content).

### Content classification and time-bands overseas

A cursory review of the arrangements for television content classification and time-bands in other countries which produce/export English language television content suggests that there is currently no international consensus on the appropriate regulatory response to convergence and evolving audience behavior. Different models of content classification/ratings and time-band restrictions operate in Australia, Canada, the USA and the UK. Some basic features of these models are considered below for comparative purposes. Although these cases are only discussed cursorily, there is no sign that broadcast classifications and time-band requirements are being completely abandoned in these jurisdictions or that the regulatory arrangements in New Zealand are obsolete and lag behind the trend overseas.

**Australia**<sup>11</sup> Under the Broadcasting Services Act 1992 (the BSA), all R18+ content and certain commercial MA15+ content online is prohibited or potentially prohibited unless it is behind a valid restricted access system to help prevent under-age viewing. Content classifications are industry-developed but include differentiated pre-school and children's content categories. There are specified morning and evening time-bands restricting certain types of content (including advertising) to protect younger viewers. Significantly the Children's Television Standards oblige commercial television providers to broadcast a minimum amount of preschool (P) children's (C) programming each year. Because of time differences across the continent, time bands vary slightly across the Australian states but otherwise apply universally.

**USA**<sup>12</sup> In the USA, the broadcasting industry operates its own voluntary rating system identifying sexual, violent or other adult-oriented content potentially harmful to children. Since 2000 television sets have been required to incorporate a V-chip which can filter this content. Meanwhile sexually explicit content on cable channels must be encrypted. There is also a 'Safe harbor' provision prohibiting the broadcast of indecent content between 6 am and 10pm, although this has been subject to legal contestation on First Amendment grounds. Meanwhile, the Children's Television Act of 1990 obliges FTA and cable television providers to include educational content aimed at viewers up to age 16 and imposes limits on the amount of advertising targeting children

**Canada**<sup>13</sup> Overall regulatory oversight of broadcasting is the purview of the CRTC, but the industry body CSBC (Canadian Broadcast Standards Council) is responsible for broadcast content codes. Television

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**<sup>11</sup> AUSTRALIA:**

See: ACMA (2018) TV Content Regulation <https://www.acma.gov.au/Industry/Broadcast/Television/TV-content-regulation/tv-content-regulation>

ACMA (2018) All about children's television <https://www.acma.gov.au/Citizen/TV-Radio/Television/Kids-and-TV/all-about-childrens-television-kids-tv-advertising-i-acma>

ACMA (2015) The ACMA registers new Commercial Television Industry Code of Practice. <https://www.acma.gov.au/Industry/Broadcast/Television/TV-content-regulation/the-acma-registers-new-commercial-television-industry-code-of-practice>

ACMA (2018) Children's television classification forum. <https://www.acma.gov.au/Industry/Broadcast/Television/Childrens-TV/childrens-television-classification-forum-i-acma>

ACMA (2014) ACMA reviewing access restrictions to certain online content. <https://www.acma.gov.au/theACMA/acma-reviewing-access-restrictions-to-certain-online-content-1>

**<sup>12</sup> USA:**

See FCC (2017) The Public and Broadcasting <https://www.fcc.gov/media/radio/public-and-broadcasting#VIOLENT>

FCC (2017) Children's Educational Television <https://www.fcc.gov/consumers/guides/childrens-educational-television> Also <https://www.fcc.gov/consumers/guides/childrens-educational-television>

**<sup>13</sup> CANADA:**

See CRTC (2008) Blocking features and parental control. [https://crtc.gc.ca/eng/INFO\\_SHT/b314.htm](https://crtc.gc.ca/eng/INFO_SHT/b314.htm)

CBSC History of AGVOT and Ratings Classifications in Canada. <http://www.cbsc.ca/tools/history/>  
And;

CSBC FAQs <http://www.cbsc.ca/faqs/> ; also <http://www.cbsc.ca/?s=ratings+classification>

classifications models were developed by a joint broadcast and cable industry group, Action Group on Violence On Television (AGVOT) . However, the codes are somewhat different for FTA English and French programming, overseas content and Pay-TV/VOD (English language pay television adopted the AGVOT ratings in 2017). The AGVOT model also includes different ratings for content suitable for children under/over 8 years old in addition to a general audience rating.. Canada has a 9pm -6am watershed for adult content with rules for signaling advisory warnings for adult content (gratuitous violence and unduly explicit sexual content are prohibited). However, actual programme ratings are assigned by the broadcasters themselves. V-chips are available on most television but not mandatory. Canada also has a centre for digital and media literacy called Media Smarts which offers advice on safe media usage and resources for parents and teachers.

**UK<sup>14</sup>** The Ofcom Broadcasting Code has *mandatory daytime protection* rules for adult-oriented content, including depictions of sex and violence. There is a 9pm-5.30am watershed for free-to-air broadcasts. However, content rated 15 by the BBFC is permitted during the daytime on *subscription* channels while content rated 18 can be carried on *pay per view* film channels if protected by an access PIN. Interestingly, Ofcom is considering options to *expand* the availability of PIN-protected 15/18-rated content beyond subscriber and PPV channels. This could permit the scheduling of adult-oriented content (currently restricted to after the 9pm watershed for FTA channels) at any time so long as there is mandatory PIN protection. However, it appears that the Freeview FTA platform (which is also the basis for the NZ Freeview system) is not currently compatible with a mandatory PIN system. Meanwhile, commercial free-to-air broadcasters in the UK are obliged to provide basic public service content (including regional news) while the BBC, Channel 4 and S4C all have public service remits. Interestingly, the 2017 Digital Economy Act gave Ofcom the power to impose additional children’s content obligations on free-to-air broadcasters, which implicitly recognises that the needs of younger viewers are liable to be overlooked in an increasing competitive digital media ecology.

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Media Smarts <http://mediasmarts.ca/>

<sup>14</sup> **UK:**

See Ofcom (2017) The Ofcom Broadcasting Code <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

Ofcom (2017) Section one: Protecting the under-eighteens. <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-one-protecting-under-eighteens>

Ofcom (2013) What is the Watershed? <https://www.ofcom.org.uk/tv-radio-and-on-demand/advice-for-consumers/television/what-is-the-watershed>

Ofcom (2014) TV watershed has been protecting viewers for 50 years. <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2014/50-years-watershed>

Ofcom (2018) Consultation: Review of the mandatory daytime protection rules in the Ofcom Broadcasting Code. <https://www.ofcom.org.uk/consultations-and-statements/category-2/mandatory-daytime-protection> and [https://www.ofcom.org.uk/data/assets/pdf\\_file/0022/112099/Review-of-the-mandatory-daytime-protection-rules-in-the-Ofcom-Broadcasting-Code.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0022/112099/Review-of-the-mandatory-daytime-protection-rules-in-the-Ofcom-Broadcasting-Code.pdf)

Department for Culture, Media & Sport (2016) A BBC for the Future- a broadcaster of distinction. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524864/DCMS\\_A\\_BBC\\_for\\_the\\_future\\_rev1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524864/DCMS_A_BBC_for_the_future_rev1.pdf)

UK Department for Digital, Culture, Media & Sport (2017) £60 million boost to UK children’s television <https://www.gov.uk/government/news/60-million-boost-to-uk-childrens-television>

UK Digital Economy Act 2017 [http://www.legislation.gov.uk/ukpga/2017/30/pdfs/ukpga\\_20170030\\_en.pdf](http://www.legislation.gov.uk/ukpga/2017/30/pdfs/ukpga_20170030_en.pdf)

## Arguments for and against reform/removal of classifications & time-band restrictions

In the context of a highly competitive and converging digital media market, it is understandable that linear television providers would be concerned to ensure that they are able to compete on a 'level playing field' and are not subject to regulatory constraints from which their competitors are exempt. If viewers of online/on-demand content services are able to access adult-oriented content at any time, in any place and on any device then a hypothetical case could be made for relaxing the restrictions on linear scheduled television providers:

- a) Applying time-band restrictions to one platform but not others arguably constitutes an unlevel playing-field. Insofar as it is logistically impractical to impose time-band restrictions on online/on-demand services then the level playing field argument suggests these obligations on linear free-to-air broadcasters should be relaxed or discontinued.
- b) The potential for audio-visual content to harm some viewers is arguably greater in respect to the 'pull' model of online/on-demand platforms than the 'push' model of linear scheduled broadcasts. For example, it is relatively easy for children to discover adult-oriented content online, either intentionally or unintentionally, and this represents a greater risk of harm than exposure to scheduled broadcast content.
- c) For both online/on-demand and linear broadcasts media, technologies such as filters on search engines and V-chips on televisions/PVRs empower audiences to control what kind of content can be accessed. Although these require some form of content classification system, they arguably shift the locus of control to the consumer and increase choice and flexibility.

However, there are several countervailing factors which need to be taken into consideration when considering the case for discontinuing the existing time-band restrictions:

- d) Linear scheduled television continues to reach larger audiences for a greater length of time than any other medium. The potential for harm if audiences are exposed to inappropriate content therefore remains statistically greater than for other platforms, especially on the larger mainstream channels. Therefore, linear scheduled broadcasters should arguably accept a higher level of social responsibility in protecting their audience than other platforms.
- e) New Zealand FTA and subscription television broadcasters (and advertisers) are subject to very light regulation compared with other broadcasting arrangements overseas. Beyond the basic responsibility to provide classifications, observe time-bands, and adhere to the BSA Codes of Practice (which are negotiated with the media industry), commercial television operators have no requirements to *provide* content that confers educational, informational or other civic/moral benefits on society. In this regard, maintaining minimum social responsibility obligations cannot be regarded as unfair or unreasonable.
- f) The technological arguments for discontinuing time-band restrictions shift the onus of responsibility for minimizing harm away from the broadcaster/distributor to the audience. In effect, the broadcaster's responsibility is reduced to providing content information and the viewer becomes the default agent responsible for any harmful consequence of their choice of programming.
- g) As the BSA has noted, the technological availability of V-chips and content filtering for search engines does not mean that they are widely understood or utilised. The BSA's own research shows limited awareness and usage of such technologies, especially for free-to-air TV. Consequently, it would probably require an extensive public information campaign (akin to the efforts made to facilitate digital switch-over) to significantly increase audience use of V-chips and filters. However, this would still not be sufficient to ensure universal adoption, particularly among lower socio-



economic groups in which children are more at risk of unsupervised access to potentially harmful media content.

- h) Alternatively, V-chip/content filtering systems could be made a mandatory requirement for adult-oriented content above a certain level of classifications (e.g. obliging viewers to use a PIN code to view content above a specified classification level), but it is unclear whether the public would oppose such measures or seek ways to circumvent them.
- i) Insofar as commercial broadcasters are disadvantaged by the continuation of content/ time-band restrictions intended to minimise harm relative to other platform operators, then there may be other policy options available to help create a more level playing field. For example, digital intermediaries which capture advertising revenues by facilitating third party content discovery without paying licensing fees or investing in content might be subject to a small levy payable to the content providers. However, such a policy lies outside the BSA's jurisdiction and would be a matter for the government to consider. That principle work both ways, however; neither is it the BSA's responsibility to adopt regulatory measures to accommodate or compensate for extraneous market pressures faced by broadcasters if those measure would reduce public protection.

### Concluding comments and recommendations

1. The current role of the BSA is limited to regulating standards for content that is actually broadcast and minimising the potential for harm to viewers from accessing that content. Better Public Media is strongly supportive of the BSA's function but acknowledges that the evolving media ecology requires current provisions to be reviewed and potentially revised. The proposals for modifying the current television classifications and/or time-bands model needs to be evaluated in the context of wider market, technological and policy trajectories, including the ongoing policy deliberations on cross-platform classification standards.
2. BPM supports an approach to classification which i) minimises the potential for harm to the viewer, ii) ensures consistency across all platforms and iii) maximises compatibility with international content regulation arrangements. As such, BPM supports the basic proposal to make free-to-air and pay-tv classifications more consistent but is agnostic in regard to whether the former should adopt the latter's model or vice-versa. This should be informed by further evidence from the public consultation and ideally be coordinated with any content classification developments by other state sector regulators.
3. There are commercial and technical arguments which plausibly support the case for the relaxation of current time-band restrictions on FTA broadcasters, but there is a need to distinguish between arguments premised on *prevention of harm to the public* (which is a concern within the BSA's statutory remit) from those which reflect the *commercial vested interests* of commercial operators (which is not the BSA's policy responsibility).
4. In principle, BPM supports a *platform-neutral approach to content regulation* and acknowledges that there may be a case for trying to ensure a 'level' playing field between broadcasters and online/on-demand providers. However, this does not necessitate the 'lowest common denominator' *removal* of all regulations which cannot be equitably applied to all media. An alternative response to the 'level playing field' imperative might entail the *expansion* of content requirements (e.g. mandatory requirements of V-chip/ or filtering/PIN systems) across all content providers/platforms. The viability of such options also needs to take account of the public responses to the BSA consultation.

5. There are other public interest arguments which would challenge the assumption that digital convergence and evolving audience viewing behaviours *necessitate* a relaxation of current time-band restrictions. In comparison to the regulatory frameworks of the other countries briefly reviewed, the current obligations on linear scheduled broadcasters are not unduly onerous. There is no evidence that New Zealand is lagging behind the policy trajectory of other jurisdictions in maintaining the current time-band restrictions, and in some respects the current BSA framework is less restrictive than those employed in other countries.
6. The evidence of the audience studies commissioned by the BSA and the OFLC suggests relatively limited overall viewer reliance on classifications and time-bands as a guide to content viewing decisions, even in households with children. However, that does not obviate the fact that a significant proportion of viewers (including children) *do* make some use of them, particularly parents with younger children. Removing classifications and/or time-bands would disadvantage those who do rely on them, particularly lower socio-economic households. Indeed, the limited *deliberate* use of time-bands as a guide to viewing might be construed as an argument for *retaining* them, since they currently minimise the risk of *passive* exposure of children to inappropriate content before 8.30pm. Given that relatively few viewers actually use filters/parental locks, removing the time-bands would increase the likelihood of exposing children to adult-oriented content at earlier times in the schedule.
7. BPM is not opposed *in principle* to judicious relaxation of current time-band restrictions on linear scheduled broadcasters *so long as* there are other mechanisms to ensure that harm can still be minimised. However, whether or not any such mechanism can be identified and implemented is unclear. The available research evidence suggests only a minority of viewers currently use filtering technologies and relatively few of those who currently don't would become users in response to being provided with more information. It is therefore apparent that information campaigns to raise awareness of V-chips would not be sufficient to ensure wider compliance.
8. The introduction of *mandatory* filters/PIN protection for adult-oriented content on linear scheduled television broadcasts is probably the only way to ensure a high level of take-up among New Zealand viewers. However, requiring viewers to use such a system could make television viewing a less user-friendly experience and inconvenience those who are unfamiliar with the technology (particularly older viewers who are probably not the main demographic at risk of harm). A possible compromise here might be to relax the time-band restrictions before 8.30pm but require mandatory PIN protection for any adult content broadcast during the daytime and early evening. However, even if mandatory filters are a desirable option, this may not be a *technically practicable* option using current Freeview specifications.
9. In BPM's view, it would be premature and potentially hazardous to move towards a *complete* removal of time-band limitations at this point in time. BPM therefore *opposes* the BSA's option 3 (Transition to Removal of Timebands) and option 4 (Remove All Timebands). BPM remains agnostic in respect to the specifics of BSA Option 2 (Adjust Current PGR Timeband), but would *not support a relaxation of the current time-bands without other measures to minimise harm*.
10. BPM notes that the purview of the BSA does not extend to consideration of the potential for other forms of media-related harm which might stem from the *under-provision* of content which serves important educational, informative, cultural and civic functions. We also note that since the demise of TVNZ 6 & 7, New Zealand has had no non-commercial channel providing dedicated safe content for younger viewers (although the recent NZ On Air/TVNZ *HEIHEI* initiative is a welcome online development). These considerations of wider media ecology issues obviously lie outside the BSA's own jurisdiction but are not irrelevant to the wider policy context in which the BSA's options for reforming classification and time-band arrangements are being considered.