Factsheet
June 2023
Safer Online Services and Media Platforms

Adapted in 2023 by Accessible Formats Service, Blind Low Vision NZ, Auckland

# Factsheet June 2023Safer Online Services andMedia Platforms

## Why do we need to change how we regulate platforms?

Everyone consumes content, such as movies, social media posts and books. But we've moved from a world where ways to make and share content were tightly controlled, to the near infinite and unconstrained world of the internet.

Our main pieces of legislation that directly regulate content are over 30 years old. Their core features are still relevant, such as codes of broadcasting practice, protecting children from age-inappropriate content and censoring the most abhorrent pieces of content. But our current system can't keep up with new technologies. We've been relying on slow, reactive interventions, which only take effect after people have already been harmed. New Zealand is now falling behind in regulating platforms to introduce robust consumer protection mechanisms.

It's time to reset the system.

We are proposing a new system with the major change being the way that social media platforms are regulated. Our proposal is a deliberate shift away from the status quo of regulating content, towards regulating platforms. Many other like-minded nations have set up, or are close to agreeing to, new laws and systems to manage the risks of harm from content, especially on online platforms. Most of these regimes have a strong focus on the risks to children and better managing illegal material.

You can read more about the background to this work at <https://www.dia.govt.nz/media-and-online-content-regulation>

## What are the objectives of this review?

* To achieve better consumer protection for all New Zealanders and their communities by setting safety-based outcomes and expectations for platforms
* To provide better protection to children, young people and other vulnerable New Zealanders
* To reduce risk and improve safety without detracting from essential rights like freedom of expression and freedom of the press
* To promote a safe and inclusive content environment while remaining consistent with the principles of a free, open, and secure internet

The discussion document seeks feedback on a possible overall approach, with some high-level detail about how this might be delivered in practice. We’ll use this feedback to shape further decisions about the approach, the legislation, and the development of a new regulator to implement the changes.

## We'd like your feedback on our proposals

We are proposing a risk-based approach to regulation that uses a mix of tools including education, codes of practice for how platforms should achieve high level safety objectives, and more explicit and enforceable legal requirements.

* Parliament will set New Zealand's expectations for the safety-based outcomes platforms must achieve.
* Codes of practice will set out more detailed minimum expectations for harm minimisation, user protection and transparency across services.
* An independent regulator would be responsible for approving the codes and making sure platforms comply with those codes, as well as funding and finding opportunities for education.

The efforts of the regulator would be focused where there is the most risk, such as harm to children or promotion of terrorism and violent extremism.

The regulator would not have any powers over editorial decision-making or individual users who share legal content. Government would only be involved with individual pieces of content if they are, or could be, illegal–this power already exists.

One of the key things we want to know from New Zealanders is their views on what the best approach is to keep people safe and preserve our rights and freedoms. The Department thinks this new system will lead to better outcomes because:

* online services will be held to account for having, and implementing, systems and processes that empower users to stay safe while using platforms;
* it applies some of the mechanisms we already have for traditional media, which are generally effective, to social media;
* it aligns with the approaches that are being developed in other countries; and
* the system will be simpler and easier for consumers to get help from, and for platforms to comply with.

# Key features of the new system

## What would the regulator do?

The regulator would have fully independent decision-making powers. The regulator would work with industry to achieve better outcomes for content consumers, creators, and publishers. This will provide an opportunity for New Zealand to influence platforms' consumer safety practices. The regulator would also be responsible for providing funding for public awareness campaigns and delivering a range of education initiatives, accessible to people of different ages and backgrounds.

## What would platforms do?

Platforms over a certain size or risk threshold would be required by law to comply with codes of practice to manage content and address complaints about specific harmful content. By platforms, we mean those who control the services making content available to the public, which covers social media and other types of media such as traditional television and radio. This approach will be compatible with that taken in similar countries which makes enforcing the new system easier and keeps compliance costs low.

## How would the codes of practice work?

Codes of practice would cover:

* processes for platforms to remove content and reduce the distribution of unsafe content;
* accessible processes for consumer complaints for particular content;
* support for consumers to make informed choices about potentially harmful content;
* how platforms will report on these measures, including on transparency; and
* how they are reducing the impact of harm from content, and their performance against codes.

 The codes would be developed by industry groups, with support from the regulator, and platforms will be expected to align their terms of service and operating policies to the relevant codes of practice. The regulator would approve and monitor platforms' compliance with the codes and their adherence to their terms of service and operating policies.

## What other tools might be used in the new system?

Investment in education would build greater awareness and understanding of risks associated with making, watching, and sharing harmful content. Education would also support users of platforms, particularly the parents and carers of young people, to navigate and apply the tools that platforms will put in place to make their experiences safer. Education programmes should be made available to all communities.

The system would keep powers of censorship for the most extreme types of harmful content. This material is already illegal, and it will remain illegal to produce, publish, possess, and share. There are existing tools to require this material to be removed, such as take-down powers, which would be carried over into the new system. We would like your feedback on whether take-down powers should be extended to material that is illegal under other New Zealand laws.

## Where can I find the full discussion document?

The full discussion document outlines the proposals in more detail. The document is available in other languages and formats. The consultation web page has the relevant documents, supporting information, and further context for how we got to these proposals.

## How to give your feedback

To help you decide what to cover in your submission, the discussion document has a list of questions focusing on different parts of the document. You don't have to answer all the questions or use our submission form, and you can share your feedback on any part of the document.

You can provide feedback using the submission form on the website, via email or post, or use the online feedback tool found on the consultation website:

* **Email:** sosmp\_consultation@dia.govt.nz
* **Post:**
Safer Online Services and Media Platforms
Department of Internal Affairs
PO Box 805
Wellington 6140
* **Online:** [Consultation website](https://www.dia.govt.nz/safer-online-services-media-platforms-consultation)

The closing date for submissions is **Monday 31 July 2023**

Further information about how your submission will be used, including privacy, can be found on the consultation webpage.

We'll also hold webinars in June 2023 to give people the opportunity to ask us questions about the proposals. This would be helpful for anyone that wants to clarify aspects of the proposals before submitting feedback. Information on how to sign up for these webinars is available on the consultation webpage.

## How your feedback will help us

Your feedback on the proposals in the discussion document will feed detailed policy proposals for the Government to consider.

We will also test final proposals with experts and representatives from community groups, civil society, existing regulators, and platforms. We anticipate that a Bill would be ready in 2024 at the earliest.

## Got any questions?

Please contact sosmp\_consultation@dia.govt.nz if you have any questions.

**End of Factsheet June 2023 Safer Online Services and Media Platforms**