Submission on the discussion document Content Regulation in a Converged World

Introduction

This submission is made by NetSafe in response to the Ministry for Culture & Heritage’s public consultation on the discussion document Content Regulation in a Converged World. NetSafe is New Zealand’s primary cybersafety organisation. It has extensive experience supporting and advising New Zealanders on the safe and responsible use and creation of online content.

In summary, NetSafe has focused its feedback on the discussion about classification of content (Section 3); the area most relevant to NetSafe’s work. NetSafe’s view is that:-

- More analysis of the social and textual dimensions of convergence is required to ensure that policy options are flexible and durable enough to cope with future change.
- Classification can provide targeted, clear, well-timed and credible information; but
- Classification’s effectiveness is being eroded by convergence forces and the current system should be reviewed.
- Sources of information about media content, other than classification, are important to consumers and producers; and
- Greater emphasis should be placed on information, education and advice as a policy option
- If the concept of media convergence is accepted then it should be complemented by regulatory convergence; and Option 6 (A new Media Content Standards Act) is currently most closely aligned with this view.

NetSafe welcomes the opportunity to discuss this submission and respond to questions that it may raise. Please contact me directly with any queries.

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Dimensions of media convergence

1. To ensure that policy options are flexible and durable enough to cope with future change, NetSafe believes that there needs to be a shift in emphasis from technological and industrial convergence to other media convergence dimensions.

2. Specifically, the effect of social and textual convergence\(^1\) on New Zealanders’ experiences of media content requires greater analysis. This is critical given that, for example, the BSA and NZ on Air report\(^2\) found that YouTube equals the daily reach of TV2. Currently these are the two most popular sources of any media for children and their parents.

3. Other examples where further analysis could be considered include the convergence of:-
   - Consumer-Producer roles in content generation and distribution
   - Media types and formats (transmedia).

Technological convergence and content distribution

4. Technological developments such as Virtual Private Networks and the current trend towards the adoption of ‘security as a feature’ by device manufacturers:-
   - Expand options for accessing content online; and potentially
   - Reduce government’s control over that access further challenging the efficacy of current regulatory mechanisms.

5. The role of unauthorised and hidden distribution channels could be more explicitly considered in the analysis. Currently, the proportion of viewership through these channels is not common and is fragmented. This may not always be the case.

Information, education and advice

6. NetSafe agrees that classification\(^3\) has the public benefit of enabling consumers, especially parents, to quickly and easily determine whether content is safe and appropriate to watch. Classifications and warnings are an important source of information to parents guiding children’s TV viewing.

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\(^1\) Meikle G. & Young S., Media Convergence: Networked Digital Media in Everyday Life (2011)


\(^3\) Note “classification” is used as general term for regulation involving rating, advice or other content access restrictions
7. However, classification's importance appears to be overstated in relation to how children know a TV program is not for them\footnote{Child survey question 8h allows multiple responses. If this is the case it would preclude totalling individual option responses to 92 per cent. Refer to: 2014 Children’s Media Research: Child Survey 109106627 (p.16). Accessed at:- http://www.nzonair.govt.nz/document-library/childrens-questionnaire-childrens-media-use-study-2015/}. Classification is one of several important ways by which children identify TV shows are not for them. Others include self-efficacy (i.e. they consider the content is unsuitable, bad or boring) and parental mediation (i.e. actively discussing and monitoring) of their viewing\footnote{Ibid 3, p.85.}.

8. It is therefore unsurprising that classification is considered important by parents when deciding on films and games for children and young people\footnote{Understanding the Classification System: New Zealanders' views. Office of Film and Literature Classification (2011). Accessed at:- http://www.classificationoffice.govt.nz/PDFs/research-public-understanding-2011.pdf}. However, in the rapidly changing environment an understanding of all information sources that parents use could help inform the policy response.

9. This is particularly important because children and young people are differentially vulnerable to negative outcomes when exposed to challenges such as inappropriate media content. Parents are best placed to understand what their individual child’s needs are.

10. Other convergence forces, such ease of access to content across geographic boundaries and proliferation of user-generated content, also erode the effectiveness of classification systems.

11. All of which leads NetSafe to the conclusion that there is an increased need for other sources of targeted, clear, well-timed and credible information other than classification.

12. It also highlights that it could be time to adopt a different regulatory approach to classification in New Zealand. For example, by increasing self-regulation and greater international cooperation on open and shared classification standards.

13. NetSafe believes that this approach could also support creators of user-generated content to think about the advice they provide on their own output.
Media convergence and online safety

14. New Zealanders are spending ever increasing amounts of time online through multiple devices. This exposes them to increased levels of all online or ‘digital challenge’ (Refer to Appendix). As media converge so does online challenge.

15. Supporting young people to negotiate the challenges they will encounter in the online environment requires an understanding of the complex relationship between the risk or challenge (the occurrence of something that might harm) and the harm itself (generally, as reported by the young person experiencing it).

16. In 2012, research from the US on the gap between parents and teens’ views about online safety revealed a number of disparities. For example, the majority of parents said they were well informed about what their teens did online. While teens were much less likely to say their parents are informed about these activities. This finding is supported by NetSafe’s operational experience. There is more work to be done to improve adults and young people’s understanding of, and communication about, online behavior.

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About NetSafe

NetSafe is an independent non-profit organisation working solely for the public good

NetSafe is New Zealand’s only active cybersafety organisation. It’s sole purpose is to support the development of a safer and more secure online environment to encourage all New Zealanders to take advantage of digital opportunities.

NetSafe began work in 1998 and was incorporated as a society governed by an elected board of six trustees in 2001. There are currently over 130 national and international society members from across government, commercial and civil society sectors. Through its societal structures and processes NetSafe is both representative of, and accountable to, the community that it serves.

NetSafe’s vision is that all New Zealanders can benefit from the digital opportunities enabled by a safer and more secure online environment.

NetSafe is a ‘tech positive’ organisation that emphasises the benefits of online participation to internet users. However, online challenges do exist and incidents will occur. By adopting an approach that balances deterrence and educational strategies, the frequency and negative impact of challenges that New Zealanders experience can be minimised.

NetSafe provides education and support to all New Zealanders

NetSafe directly supports consumers, families, schools and businesses as they navigate through a range of online ‘digital challenges’ and helps them reduce their exposure to risk or to minimise harm when things do go wrong. It achieves this by providing a complete suite of integrated online safety education, incident response and advisory services.

NetSafe’s contact centre manages an average of 700 requests for support each month. A significant proportion of which are complaints related to harmful, aggressive and bullying online communications (or ‘harmful digital communications’). In addition, NetSafe actively advocates on behalf of New Zealanders’ safety and security needs to see that these are reflected in government’s legislative and policy programmes.
Appendix | Digital Challenge

From Cyber safety to Digital Challenge

Increased access to faster, more mobile internet connections means that New Zealanders are spending more and more time online. As a result, they are exposed to constantly evolving challenges that include online bullying and harassment, employment and investment scams, cyber attacks and privacy issues.

Cyber safety issues emerged with the rapid penetration of the internet and mobile phones in the late 1990s and early 2000s. The understanding of these issues has evolved since then as developments in digital technology have enabled new, or evolved existing, risks to New Zealanders online. Now cyber safety is thought of as being one of three broad areas of ‘Digital Challenge’ that also include cyber crime and cyber security (the ‘3Cs’).

The Digital Challenge Model provides a basis for understanding the broad range of online safety, security and crime challenges confronting New Zealanders.

- Cyber safety: Involves conduct or behavioural concerns. Examples include cyberbullying, smear campaigns, accessing inappropriate content, being taken in by a scam, creating spoof websites or sexting.

- Cyber crime: Involves illegal activity. Examples include, sexual offending, accessing objectionable content or online fraud.

- Cyber security: Involves unauthorised access or attacks on a computer system. Examples include hacking into someone’s social media service account, launching a Distributed Denial of Service (DDoS) attack or loading malware onto a laptop.

Critically, in the real world these areas of digital challenge overlap, as illustrated below right.