

Joint Ministerial Briefing

Report on the inter-agency Pornography Working Party

27 June 2019

Circulated to:

- Hon Chris Hipkins, Minister of Education;
- Hon Carmel Sepuloni, Minister for Social Development;
- Hon Dr David Clark, Minister of Health;
- Hon Stuart Nash, Minister of Police;
- Hon Iain Lees-Galloway, Minister for ACC;
- Hon Tracey Martin, Minister of Internal Affairs and Minister for Children;
- Hon Peeni Henare, Minister for Youth and Minister for Community and Voluntary Sector;
- Hon Julie Anne Genter, Minister for Women.

Overview

The Pornography Working Party (PWP) was established to investigate the impacts of New Zealanders' use of pornography in the modern digital environment, coordinate work and advice relevant to this issue between agencies and to provide a centre of knowledge for government on the subject and advice on potential policy responses. This is the first joint Ministerial Briefing from the PWP members.

The PWP is chaired by Chief Censor David Shanks of the Office of Film and Literature Classification (OFLC), and includes representatives from OFLC, Netsafe, Ministry of Health, Department of Internal Affairs, Ministry for Women, Ministry of Social Development, Ministry of Education, ACC, and New Zealand Police. The group met for the first time on 8 May 2018.

Chief Censor David Shanks is available to meet Ministers and their staff to discuss the work of the PWP and the next phase of OFLC's research project *NZ Youth and Porn*. David previously appeared before the Social Wellbeing Committee and would be pleased to do so again.

This briefing outlines:

- the background and purpose of the Pornography Working Party (PWP);
- its relevance to wider Government priorities;
- its progress to date on key issues;
- high-level recommendations; and
- individual agency responses.

Background and purpose

Pornography is a product created for an adult audience, however research has established that children and adolescents view online pornography and there is significant concern amongst parents, young people, and those working in youth education and health about the potential impacts of this exposure.

Issues have also been raised about pornography use amongst adults. However children and young people have been the focus of our work so far, recognising this as the greatest area of immediate concern, and providing clearer opportunities for immediate impact.

Discussions in early 2018 established that work on this issue was already underway by individuals and organisations around New Zealand. An opportunity to help co-ordinate this work and provide a centre for collaboration on the topic was identified, and so the PWP was established.

The collaborative approach of the PWP allows for a free and frank exchange of ideas and coordinated messaging and policy responses across agencies. It allows for joint development and delivery of resources and support, and promotes the efficient use of Government resources by avoiding duplication of work programmes. It may also act as a central point of contact for schools, NGOs and officials seeking information on responses to pornography across the public sector.

The PWP Terms of Reference are attached at Appendix B on page 15.

The current environment and its challenges

Modern digital technology has meant that very high volumes of free, highly diverse and sometimes extreme pornographic material is available to almost anyone with a smartphone or internet connection – including children and young people. This is part of a wider environment of related online content harms, including: extremist or terrorist promotional material; disinformation and ‘fake news’; content that promotes self-harm; disturbing content aimed at children (eg ‘Momo’); and unregulated commercial media entertainment.

Research about pornography is contentious. There is ongoing debate about whether correlational studies of potential harms of pornography (for example an increase in sexual aggression, coercion or risky sexual behaviours) also imply causation. However it is clear from international studies and from New Zealand research overseen by the PWP that young people are using pornography as a way to learn about sex, and it can have impacts on attitudes and behaviours – especially for young people who are exploring their sexuality and beginning to engage in sexual relationships.

In addition to the above, we face a number of distinct challenges when dealing with issues relating to pornography:

- There is a high level of public concern but there is a general lack of awareness of where to find good information and support, consequently, parents and sometimes young people can feel overwhelmed.
- The subject of pornography is highly polarising and can sometimes be sensationalised. This tends to alienate those with different perspectives who might otherwise agree on common sense solutions relating to children and young people’s access.
- Improving awareness and education about pornography is key to mitigating potential harms, however inconsistent implementation of health and sexuality education at a local level can present significant issues for responding to this need. Inconsistent implementation means some young people are missing out on in-school learning about pornography, and in-depth coverage of aspects like consent, relationships, sexual violence and digital technologies¹.
- The issues presented by pornography are complex and simple regulatory ‘fixes’ are unlikely to provide a complete solution. An effective response will likely combine regulatory updates with tools and information, combined with education.

¹ See Education Review Office, 2018. *Promoting wellbeing through sexuality education*. Wellington, NZ: Education Review Office. P5.

- This group recognises that the internet offers significant benefits to society, and is a complex ecosystem where interventions intended to support public safety can sometimes have unintended effects. All interventions must recognise New Zealanders' right to freedom of expression.

Research project: *NZ Youth and Porn*

The OFLC released results of a major survey, *NZ Youth and Porn*, in December 2018². The survey was designed in consultation with the PWP and co-funded by ACC, a PWP member. The survey – a nationally representative sample of more than 2000 young people aged 14-17 years – provided the first comprehensive data on how and why young New Zealanders view online pornography.

The research has had a real impact in New Zealand communities, particularly with schools and organisations working in the youth health and development space. The highly anticipated follow-up report is discussed in the next section.

The research found that it was common for NZ teenagers to have seen pornography, though frequent use is relatively uncommon. Pornography is informing their views about sex, and many young people think that this can be a problem.

Findings from *NZ Youth and Porn (2018)*



² The full report can be accessed here: <https://www.classificationoffice.govt.nz/news/latest-news/nzyouthandporn/>

The response from government

Programmes that are relevant to the work of the PWP are underway across various government organisations. These include:

- The next phase of OFLC's research programme, *NZ Youth & Porn*, research analysing content in online pornography, and the Minds Over Media educational initiative focusing on media literacy.
- The Ministry of Health's upcoming Sexual and Reproductive Health Action Plan aims to mitigate the impact of pornography on the development of healthy sexuality.
- The Ministry of Social Development's Youth Action Plan and a Youth Health and Wellbeing Survey.
- The Ministry of Education's ongoing support for comprehensive school wifi internet filtering, the Health Education Resource Stocktake, and development of updated Healthy Relationships and Sexuality Guidelines.
- ACC's work coordinating the Sexual Violence Prevention Advisory Board – supporting cross-government collaboration and a systems approach to reducing/ending sexual violence, ongoing implementation of the *Mates & Dates* healthy relationship programme in schools, and co-funding of OFLC's *NZ Youth & Porn* research.
- The Department of Internal Affairs is considering a range of interventions, primarily focussed on increasing effectiveness and awareness of tools to filter age restricted content. The Department will continue to seek out opportunities to work collaboratively across the system to minimise harm in this space.
- Netsafe provides reactive and proactive online safety services to schools (contracted to the Ministry of Education) and to the public as the Approved Agency under the Harmful Digital Communications Act (contracted through the Ministry of Justice).
- Police provide resources and programmes to schools that are relevant to healthy relationships and youth wellbeing, such as Loves-Me-Not and Keeping Ourselves Safe, and in cyber safety sessions.

See Appendix A for more detailed information about the work of individual agencies: ACC (p8), DIA (p9), Ministry of Education (p10), Ministry of Health (p11), Ministry of Social Development (p12), and NZ Police (p14).

From a broader perspective, we believe the work of the PWP will sit squarely within the framework of the Government's Child and Youth Wellbeing Strategy that is currently being finalised. The work of the PWP fits within the Strategy's framework, including through fostering the development of healthy relationships and manaakitanga (kindness, respect and care for others).

Where to from here?

These issues require an approach that is both collaborative and integrated, involving regulation, education, and tools and information for New Zealanders.

Regulation

Access to online pornography is easy – particularly if a young person owns a mobile phone. Traditional restrictions simply do not exist in the online space. But this doesn't mean we can't take steps towards harm reduction.

Work on regulatory responses to pornography is progressing around the world, in the UK in particular. Under the Digital Economy Act 2017, all pornographic websites accessed from the UK will require age verification (18+) controls for access. The law was due to come into force on 15 July, 2019, however this will now be delayed for around 6 months. The British Board of Film Classification (BBFC), the UK equivalent

of the OFLC, will have oversight of the system. The PWP is following developments with interest and OFLC maintains close contact with colleagues at the BBFC.

OFLC's *NZ Youth and Porn* research found that a majority (71%) of 14-17 year-old New Zealanders think that online pornography should be restricted in some way for children and teens (such as filtering content or age verification). This suggests that a regulatory response might actually be welcomed by many teens. Any technical or legal fixes are only ever going to be partial solutions – but regulation does provide options for limiting access to young people (especially children) who may be vulnerable. OFLC's research also shows that young people are much more likely to initially see pornography by accident, rather than looking for it themselves.

Tools and information

Too many young people do not have the information, support and tools to process and understand pornography, to deal with sometimes negative consequences of seeing pornography, or to avoid seeing it in the first place. Some young people are struggling with issues around their pornography use, and they need our help.

We know that young people are often unwilling to approach adults about these issues, and some adults may lack the knowledge or experience to discuss sensitive (or technical) topics with confidence. So help is needed. We need to ensure that support and resources are available for families, health professionals, schools, and (most importantly) for young people themselves. The ongoing *NZ Youth and Porn* project will provide us with necessary insights and data to tailor resources that are relevant to diverse audiences in the New Zealand context.

The PWP has been engaging with industry to investigate technical solutions to children and young people's access to pornography, which may be particularly useful in terms of inadvertent exposure to pornography (which is common, according to our research). Whatever the response, industry – including ISPs and content providers – will have an important role to play.

Education

Young people tell us they want more and better information on sex and sexuality. We know that young people are turning to pornography as a way to learn about sex, and simply telling them not to – the abstinence model – is not a solution. Rather, when young people are learning about sex and relationships, pornography should be a part of the discussion. Education provides an opportunity for a counter-narrative to pornography that can reach a wide number of young people.

Programmes that could be described as 'porn literacy' are being rolled out around the world, including by various organisations in New Zealand (however demand is high and the capacity of community organisations to deliver is not). These programmes teach young people to critically analyse pornography as part of a broader programme tackling consent, relationships and sexual violence prevention.

The Ministry of Education is in the process of refreshing its Sexuality Education Guidelines, which will be rebranded with a focus on Healthy and Respectful Relationships. This is an ideal opportunity for the PWP to work with Education on incorporating the topic of pornography into these guidelines. There is also scope for co-designed modules for Māori, Pasifika, and LGBTQI youth.

For education to be effective it requires a whole-of-community approach. Any support in this area will work best if supported by everybody – teachers, parents, whānau, and government. The Ministry of Health also has an investment in supporting sexuality education. With the PWP, OFLC intends to facilitate a more cohesive and collaborative approach to ensure progress is made.

Insights and evidence – building on our research

OFLC is currently working on follow-up research to the *NZ Youth & Porn* survey, involving interviews with young New Zealanders. An in-depth understanding of young people’s experiences with pornography means we can tailor approaches that resonate with young people and gain their support.

Going beyond the numbers, we need to learn more about the complex relationship many young people have with pornography, and the impact this might have on relationships. The research programme is designed to be practical, useful, and to promote informed debate. A primary focus will be education and resource development.

The OFLC has commissioned the youth health and development organisation The Collaborative Trust to assist in the development of the research, which is due to be released in the first Quarter of 2020.

What does good look like?

The vision of the PWP is a culture that is supportive of healthy relationships, where young people feel supported and safe online, and are equipped to manage exposure to pornography when it does occur. This requires buy-in from teachers, parents, whānau, Government, and young people themselves. It means parents have the tools and know-how to prevent children stumbling upon pornography well before they’re ready. It means more consistent, and more up to date health and sexuality education across schools. It means parents, schools and young people have easy access to high quality, NZ-based information and resources that resonate with our diverse communities.

There is a lot of work to be done, but the outline of the issues – and solutions – is becoming clearer, and genuine progress is being made.

Recommendations

Our members recommend that you:

- | | | |
|---|--|--------|
| 1 | Note the establishment of the Pornography Working Party and participation by various agencies. | Yes/No |
| 2 | Indicate your endorsement and support for the continuing work of the PWP. | Yes/No |
| 3 | Note the following: | |
| | i The PWP’s joined-up approach to responding to issues relating to pornography; | Yes/No |
| | ii The PWP’s ongoing role in supporting the research programme <i>NZ Youth and Porn</i> ; | Yes/No |
| | iii The PWP’s view that issues relating to young people’s use of pornography should be approached through the broader framework of child and youth wellbeing; | Yes/No |
| | iv The PWP’s view that these issues are best addressed with an integrated approach that may involve regulation, education, tools and information. | Yes/No |
| 4 | Refer this briefing to those of your colleagues with an interest in child and youth health and wellbeing, sexual violence prevention, education, broadcasting, communications and digital media. | Yes/No |
| 5 | Indicate whether you would like to meet Chief Censor David Shanks to discuss the work of the PWP. | Yes/No |

Signed by Minister:

Date: _____

Signed by Chief Censor David Shanks



Date: 27/06/2019

Further information

To arrange a meeting with Chief Censor David Shanks, please contact his PA s9(2)(a)

Contact OFLC Senior Advisor s9(2)(a) for further information about this briefing, and for information about the OFLC's research project *NZ Youth & Porn*: s9(2)(a)

Appendix A – PWP agency responses

These appendices include more detailed information provided by member agencies about work relevant to the Pornography Working Party. Information is included from the following agencies: ACC (p8), DIA (p9), Ministry of Education (p10), Ministry of Health (p11), Ministry of Social Development (p12), and NZ Police (p14).

ACC

Overview

ACC has been involved in the Pornography Working Party (PWP) since May 2018 and has been an integral contributor to date. Developing young New Zealanders' understanding of healthy sexual relationships is critical to reducing sexual violence in our communities. ACC is considered an expert in sexual violence prevention and recognises the importance prevention has in reducing injury resulting from harm in our communities.

Relevance to ACC

ACC has a vested interest in preventing injuries resulting from family and sexual violence to every person in New Zealand. ACC's involvement within the working party is relevant in continuing to promote safe, healthy and respectful relationships for our young people. By educating our young people, we aim to reduce the instances of sexual violence and over time see a reduction in sensitive claim lodgement.

Collaborative Approach

ACC is the Coordinator for the Sexual Violence Prevention Advisory Board³, we support cross government collaboration and a systems approach to reducing/ending sexual violence. Although the PWP does not have direct linkages with the SVPAB, ACC views the work within the PWP will contribute to potential policy and regulatory responses to young people's use of online pornography. The PWP also helps to inform youth media literacy, sexuality and sexual education, and programmes dealing with sexual violence and harmful sexual behaviour prevention.

By having a joint approach with other agencies within the PWP, it enables engagement with a range of different perspectives, experiences, information, approaches and experts. This aids in informing a robust approach to dealing with the issue of pornography, how it is affecting our young people and what avenues can be explored to bring about change.

ACC Involvement within the PWP

In 2017, ACC sponsored the "Addressing pornography's impact on young people" forum. This invited secondary school teachers, health professionals, Police Youth Aid officers, those working in the sexual violence sector, policy developers in government and community organisations. The forum provided an opportunity to be involved in addressing the impact of pornography on young people, and issues around consent. At this forum, ACC presented the Mates and Dates healthy relationships program, which is aimed at teaching secondary school students about sexual and dating violence and issues surrounding consent.

³ Forum for government agencies to discuss the advice provided by the sector and experts to improve the coordination, integration and expansion of the government's response to sexual violence prevention.

Following the forum, ACC funded phase one of the research “NZ Youth and Porn – Research findings of a survey on how and why young New Zealanders view online pornography”. This research has been an important insight into how, where, and what pornography young people are seeing, and the impacts this is having on them. ACC is considering its position in funding phase two research which will include a qualitative look at the experiences of young people in New Zealand relating to pornography.

ACC Future Contributions

Following organisational change within ACC’s Injury prevention unit, the future contributions of work is yet to be confirmed. The intention is to remain involved as a key stakeholder in the working group due to the collective benefit to the PWP and ACC.

Department of Internal Affairs

The relevance of this work / where it fits in your Minister’s portfolio

Within New Zealand, the core piece of legislation that defines what is and is not acceptable in terms of pornographic content and how material needs to be classified (i.e. age restricted or objectionable) is the Films, Videos, Publications and Classification Act 1993 (the Act).

The Act is administered by the Department of Internal Affairs and the associated regulations are enforced also through the Department. The issues explored through the Pornography Working Party are relevant and associated to the IA Portfolio with regard to the Act and its rules around age restrictions as well as in the context of objectionable content.

Due to the dominance of media content accessed through the internet, pornography (which includes both age restricted ‘legal’ content and objectionable ‘illegal’ content) is pervasive in our digital world.

From your agency’s perspective, why is the joined up approach of the PWP important in addressing issues around pornography?

The issues the working party considers are complex, and an effective response to these issues requires a well-informed multi-pronged response from across the system. To assist in building such responses within the Department, we see real value in drawing on the knowledge of multiple agencies and entities within the PWP. Through the PWP the Department also sees great value in the potential for collaborative initiatives to address issues around pornography for young people.

The PWP allows us to assure our Minister that the Department’s Digital Safety initiatives are well aligned with wider Government actions, and that we are providing the best possible response to this issue.

The work of the PWP allows agencies to regularly update each other on emerging work in their organisation around harm minimisation in relation to Pornography and increases opportunity for joint development and delivery of tools and resources to better protect our young people.

Your agency’s involvement or intended involvement in the PWP and any short or long term actions arising

The Department is fully engaged in the PWP and provides a regular attendee, who contributes information, in the context of possible technical remediation and other digital safety initiatives. The attendee reports back to the Department on the discussions and progress of the PWP.

The Department will continue to be engaged with the PWP and to think about ways in which we can help to prevent harm to young people in this area.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography

- The Department has under consideration a range of intervention ideas to limit exposure of and minimise the harm of exposure of pornography to young people, these include:
- Technical controls and protection options for the home;
- Working with a major internet service provider and exploring options for ensuring that uncategorised pornographic websites are picked up in family filters
- Exploring the implications of an 'opt out' model for age filtering on devices / through home internet connections within New Zealand
- Supporting internet service providers to raise awareness of and increase uptake to existing family filter products
- Contributing and supporting educational resources for parents, teachers and young people;
- Provision of consumer information and guidance on filtering and parental safety apps and tools;
- Engaging young people in the design and use of interventions and education; and
- Prosecution of those who are involved in the creation and distribution of the most harmful (i.e. objectionable under the Act) material.

Ideas around policy change if actions that could be taken haven't already been raised

To address some gaps in the media content regulatory framework, the Minister will be aware, that a two-step reform process has been proposed. This includes:

- Proceeding with an amendment to the Act to address the regulation of Commercial video on-demand material (CvoD); and
- Scoping work for the development and implementation of a new, modern media content regulatory framework.

Ministry of Education

The relevance of this work / where it fits in your Minister's portfolio

Education plays a role in response to recent research findings of pornography and young people in New Zealand. The work is relevant to the Ministry of Education, Hon Chris Hipkins and the associate Minister of Education, Hon Tracey Martin who holds responsibility for oversight of the implementation of the Ministry's Sexuality Education Guidelines (2015).

The Ministry supports schools to access appropriate tools and resources to develop their localised health curriculum and ensures that students are protected from online harm when using the school's internet. In part this is achieved by filtering internet of school and kura via the Network for Learning, and the provision of broader digital wellbeing advice via the Ministry's contract with Netsafe.

From your agency's perspective, why is the joined up approach of the PWP important in addressing issues around pornography?

The Ministry of Education sees a role for a number of agencies in response to this issue. The work of the PWP allows agencies to regularly update each other on emerging work in their organisation around pornography and increases opportunity for joint development and delivery of tools and resources in the education space.

The PWP allows us to assure our Ministers, the education sector and whānau and communities that we are providing the best possible response to this issue taking into account the work of other agencies.

Your agency's involvement or intended involvement in the PWP and any short or long term actions arising

The Ministry of Education (the Ministry) provides two regular attendees. One contributes information to the working party and provides information back into the Ministry to ensure it links into matters related to the curriculum and children and young peoples' learning. This way the information can be linked into teaching and learning in the Health and Physical Education learning. The other staff member focuses on IT contexts and possible technical remediation actions.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography

Health Education Resource Stocktake

The New Zealand Health Education Association (NZHEA) has been contracted to deliver a comprehensive stocktake of health education resources that align with the curriculum and have been deemed by teachers as helpful. This will involve bringing together focus groups made up of teachers and leaders to identify these. The final report is due on 30 June 2019. The Ministry has highlighted to NZHEA that pornography resources should be taken into account in this stocktake. The list of resources will be published online so that teachers have greater access to curriculum aligned resources for planning their localised health programme.

Healthy Relationships and Sexuality Education Guidelines

From August, the Ministry of Education is refreshing our Sexuality Education Guidelines 2015 to be rebranded to represent a move towards Guidelines for Healthy and Respectful Relationship Education. This work, which will be undertaken in consultation with the education sector, parents, students and an expert advisory group, will help ensure schools and teachers are supported to plan learning programmes with a focus on healthy and respectful relationships.

The Ministry of Education intend to organise a series of implementation and promotion activities alongside our partner agencies to increase engagement with the new guide.

Ministry of Health

The PWP work sits under Associate Minister of Health Hon Julie Anne Genter's sexual health and women's health portfolios.

Work being undertaken by PWP is particularly relevant to the Ministry of Health's work in promoting positive respectful safe sex behaviours and good youth health. Given pornography does not role model gender equity, respectful communication, negotiation of consent, condom or contraceptive use, but does show frequent extreme sexual behaviours, it is considered to be a largely unhelpful influence on sexual development.

The PWP is important as it facilitates a cross government approach, providing multiple viewpoints and opportunities to address the challenge of pornography through the various scopes of influence across government.

Action on pornography is included in the Sexual and Reproductive Health Action Plan 2019-2025, which is expected to be released in the second half of 2019. The Ministry of Health is discussing options to develop critical literacy on pornography with other agencies. Guidelines and workforce development for responding to pornography within appropriate clinical health settings, and health promotion responses could also be explored.

Ministry of Social Development

The relevance of this work / where it fits in your Minister's portfolio

The work of the PWP is relevant to Minister Henare and Minister Sepuloni's portfolios for several key reasons.

First, the consumption of pornography in the modern digital environment has particular implications for youth as a population group. This is highlighted in the Office of Film and Literature Classification's (OFLC's) survey *NZ Youth and Porn*, which explored the range of impacts that pornography is having on youth, including for their mental health and wellbeing, their sexual experiences and their views on relationships and gender. We consider pornography to be an important, cross cutting issue for youth, with clear relevance for the Minister for Youth's (Minister Henare's) portfolio.

More specifically, the work that the PWP is undertaking has relevance for the Youth Plan that is currently being developed by MSD and the Ministry of Youth Development (MYD). The Youth Plan will drive the youth focused parts of the Child and Youth Wellbeing Strategy, with the aim of providing a vehicle for the youth voice to be heard and acted on.

It will be important for the Youth Plan to address issues that are impacting young people, particularly where addressing these will result in improved safety and wellbeing. In addition, a key aim of the Youth Plan is to give youth a greater voice in the policy issues that affect them. Considering that research is being undertaken by OFLC to understand youth perspectives on pornography, and that most young people believe that there should be some regulation around the consumption of pornography, the work of the PWP closely aligns with this aim.

As a final point, there is also a body of research that suggests links between pornography and sexual violence. This has relevance for the Minister for Social Development (Minister Sepuloni) in her role as part of the Ministerial group overseeing the government's joint venture for addressing family and sexual violence.

From your agency's perspective, why is the joined-up approach of the PWP important in addressing issues around pornography?

The consumption of pornography, particularly as it affects youth, is a complex issue with implications across a range of domains. This makes it well-suited to a collaborative approach, as it means that different group members can each provide insight into the particular facets of the issue that they have expertise in. Through working at the problem from different angles then re-grouping, we can get a fuller picture of the issue and its potential solutions.

A further advantage of the joined-up approach of the PWP is that it means that members can leverage off each other's work to strengthen their own. For example, the insights obtained from the OFLC's research are likely to be useful in ventures carried out by other agencies.

Your agency's involvement or intended involvement in the PWP and any short or long term actions arising

MSD intends to continue to be involved in the work of the PWP. The specific actions that we will be taking to contribute are still to be determined, however, they are likely to relate to the initiatives below.

What your agency is doing (or planning to do) that may contribute to the work of the PWP and help address issues related to pornography

There are three pieces of work that MSD is currently undergoing that will contribute to the work of the PWP and help address issues related to pornography. These are outlined below:

Youth focused prevention campaign

On Sunday the 19th of May, Budget funding was announced to extend and increase funding for the Campaign for Action on Family Violence. This includes a more targeted focus for It's not OK on behaviour change in men using violence, as well as a new campaign for young people.

The new campaign will encourage healthy and safe relationships by challenging and changing attitudes and behaviours that support violence and harmful masculinity and providing a counter narrative to messages young people receive through popular culture and pornography. MSD will work with the Joint Venture Business Unit (JBVU) and other joint venture agencies around the scope and approach.

Youth Plan

The Ministry for Social Development and the Ministry of Youth Development are currently in the process of developing a Youth Plan, with consultation to begin later this year. We are not wanting to pre-empt what will be in that Plan, as we want this to be guided by what young people tell us is most important to them. However, we currently have a number of proposed focus areas which we will test with young people, and pornography is one of those focus areas.

Youth Health and Wellbeing Survey

Finally, MSD is also in the process of procuring a Youth Health and Wellbeing Survey. The survey will ask questions of 14,000 young people aged between 12 and 18 years. There are some questions in the survey that directly relate to pornography, including:

- How often do you look at porn?
- Have you ever felt pressured to do things you or someone saw in porn?
- Do you have a girlfriend, boyfriend or partner?
- How much do you disagree or agree with the following:
 - I feel safe with my girlfriend, boyfriend or partner
 - I feel loved by my girlfriend, boyfriend or partner
 - I get to spend enough time with my girlfriend, boyfriend or partner
- Where do you go for advice/help about sex and relationships?
 - Online
 - Friends
 - An adult
 - Nowhere

As well as these pornography specific questions, the Youth Health and Wellbeing Survey will ask young people about relationships, feelings about life overall, physical and mental health, feeling respected and valued, feelings of belonging and experiences of discrimination or abuse. The insights gained from the survey are likely to be relevant to the work of the PWP; however the earliest we will get the data is early next year.

Ideas around policy change if actions that could be taken haven't already been raised

MSD will primarily be interested in how we can drive change through options such as awareness and education, including ways in which we can promote healthy sexual behaviour and relationships.

NZ Police

Police have examples of actual criminal investigations of young persons where one of the factors relevant to the actual offending was the nature and content of the pornography they had viewed.

Police see our role as supporting schools (especially health teachers) to use the good quality resources, and/or qualified external providers where applicable. We should also be influencing schools to embed their approach to pornography in the wider wellbeing approach. This would be particularly applicable in programmes such as Loves-Me-Not and Keeping Ourselves Safe, or in cyber safety sessions.

Appendix B – Terms of Reference

2018

Purpose

This Working Party is established to investigate the impacts of New Zealanders' use of pornography in the modern digital environment, coordinate work and advice relevant to this issue between agencies and to provide a centre of knowledge for government on the subject and advice on potential policy responses.

Background

Modern digital technology has meant that very high volumes of free, highly diverse and sometimes extreme pornographic material is available to almost anyone with a smartphone or internet connection.

This issue was highlighted in a select committee hearing in May, 2018, on a petition calling for the appointment of an expert panel *“to investigate the public health effects and societal harms of pornography to both children and adults, and to make policy recommendations to Parliament”*.

Discussions between agencies concerned with sexual violence; sexual health; youth mental health and other relevant areas on this issue highlighted the fact that significant work on this issue was already underway by individuals and organisations around New Zealand. An opportunity to help co-ordinate this work and provide a centre for collaboration on the topic was identified, and the Working Party was established.

Objectives

1. The Working Party will inform research or work undertaken by government agencies relating to pornography, and ensure that relevant work is known and available across government. For example, the Working Party will help inform the work the Office of Film and Literature Classification has commenced researching the prevalence and effect of pornography use by young New Zealanders.
2. The Working Party will represent a centre of knowledge on pornography use and impacts in New Zealand, and will be available to advise agencies on work programmes or initiatives relevant to those impacts.
3. The Working Party will be available to provide collective advice to government on relevant policy initiatives and responses.

Rules of engagement

The parties agree that they will:

- Work together in good faith, balancing the interests of all parties
- Hold Working Party discussions in confidence and on a without prejudice basis
- Agree to any external communications or releases as circumstances arise.

If the parties are unable to reach agreement on recommendations, the Working Party will develop briefings that outline:

- The areas where the parties have reached agreed recommendations, and
- The areas of difference.

Approach

Membership

To enable an effective process and discussion the parties will keep membership of the Working Party tight. There are currently twelve members from eight government agencies and one independent agency operating under legislation.

The parties agree that consistency of attendees will be important – though not essential – for the Working Party to achieve its objectives, and will aim to ensure that representatives will not be changed unless this is unavoidable. If any change in representatives is required, the party concerned will ensure the new attendee/s have been well briefed on previous discussions and progress.

The parties will each ensure that their constituents/stakeholders are informed and have appropriate opportunity to have input into development of recommendations.

Chief Censor David Shanks of the OFLC is chair of the Working Party.

Parties

The current parties are: OFLC, Netsafe, Ministry of Health, Department of Internal Affairs, Ministry for Women, Ministry of Social Development, Ministry of Education, ACC, and New Zealand Police.

Parties may work together in smaller groups relating to specific work streams and report back to the full Working Party.

Meetings

The Working Party will determine a schedule of meetings as required to make progress on agreed objectives.

The OFLC will make practical meeting arrangements (for example the venue and catering) as required by the Working Party.

Timeframes and reporting

Timeframes

The Working Party met for the first time on 8 May 2018. By the end of the 2018 calendar year it is expected that:

- The first stage of OFLC research (developed and disseminated in consultation with the Working Party) will be published
- A draft analysis/insights paper summarising the group's response to research results will be prepared.
- Other briefings may be generated as required on policy recommendations relating to:
 - (a) regulation
 - (b) education and appropriate support services
 - (c) other available steps aimed at preventing, mitigating or reducing harm.

Reporting

Each party will be responsible for reporting to their stakeholders, in accordance with any messaging agreed during Working Party discussions and as required by their internal governance mechanisms. In doing so, the parties agree to honour the confidentiality of the Working Party discussions.

Government representatives will provide progress reports to Ministers as required.