



## Rethinking the way we regulate media in the digital age

### THE DIGITAL WORLD IS CHANGING FAST – THERE ARE BENEFITS AND DOWNSIDES

In the work we do we have a front row seat to the changing world of how people create and consume media. There are lots of exciting new developments and opportunities for New Zealanders, but we're also seeing a rapid rise in harm from digital media – which is largely unregulated.

#### The Internet is being weaponised by violent extremists:

- The terrorist attacks on Christchurch mosques in March 2019 were a devastating wake-up call to how digital technology can be exploited by terrorists and violent extremists. The terrorist's livestream video and manifesto document were both shared virally online and despite a global effort, still exist in dark corners of the web. They have since inspired further attacks around the world.
- We have seen a clear pattern emerge of violent extremist groups using digital media in sophisticated ways to recruit and radicalise new followers. They engage people on mainstream platforms like social media, and intentionally move them 'down the digital rabbit hole' into closed groups, hate sites, and terror cells in encrypted services and the dark net.

## Entertainment media can cause harm:

- We're seeing a concerning trend in content on commercial video on-demand and streaming platforms tapping into the vulnerabilities of young people, especially around mental health. For example, *13 Reasons Why* and *Cuties*. New law changes that will require these platforms to display New Zealand age ratings and content warnings from mid-2021 will go some way to addressing this issue.
- The use of gambling devices, such as loot boxes, in online games aimed at young people and children is becoming increasingly common.
- Young people in New Zealand have unrestricted access to commercial porn online. We know from research that it's not uncommon for children to see porn on the internet – whether they're seeking it out or not – and that many young people are using it for sex education.
- Algorithms used by digital platforms like Facebook and YouTube are designed to capture people's attention in order to make a profit – with insufficient consideration of how some content can mislead or cause harm.

## Disinformation, fake news and conspiracy theories are on the rise:

- COVID-19 has created conditions for disinformation and fake news to snowball online. Since the start of the pandemic, conspiracy theories and disinformation about COVID-19 causes and cures have exploded online globally.
- We are seeing linkages between dangerous disinformation and real life consequences in New Zealand. For example, people not taking precautions to safeguard their own and others' health, and crimes such as attacks on 5G cell phone towers.
- Some disinformation campaigns are deliberately provoking disunity, chaos, hate speech and hate crimes in nations around the world.
- We do not see censorship as the answer to the very complex and evolving problem of disinformation. However, we know from our engagement with other complex online issues, that understanding and research, tools and information, and education will be key. Rethinking our regulatory systems would clarify roles and drive progress in these important areas.

## The opportunity: reforming New Zealand's media regulation for the digital age

- New Zealand has a fragmented and outdated regulatory system for media that includes multiple laws, agencies with different mandates, and significant gaps around managing digital media. We think it is time to take a fresh approach and redesign the system for the digital age.
- Our current system is based on laws for entertainment media passed back in the late 80s and 90s, including the Films, Videos, and Publications Classification Act 1993 and the Broadcasting Act 1989. This legislation reflects a pre-internet view of the world.
- Through our education and outreach function we hear first-hand from New Zealand parents, teachers and youth that they need better support and tools for navigating digital content safely.
- Reform has been on the cards for years now.
  - The Ministry for Culture and Heritage ran a consultation in 2015 exploring whether legislation and policy were fit for purpose in a 'converging' media market.
  - More recently, Hon Tracey Martin, the former Minister of Internal Affairs, signalled a broad review of New Zealand's regulatory system for media.
- Some targeted law reform is already underway to reduce digital harms, including:
  - The law changes that will soon require commercial video on-demand and streaming platforms to display New Zealand age ratings and content warnings on films and shows.
  - Introduction of a new Amendment Bill enabling measures to help counter violent extremism.
- These are important steps but we think the time is right for a first-principles review that will ensure the regulatory system as a whole is fit for purpose.
- The Internet doesn't recognise national borders – there are global players, global platforms and global connections. Regulatory reform could provide a base from which New Zealand would be able to partner with other nations and co-design systems with the international digital sector to create a safer digital world.