

31 July 2023

Safer Online Services & Media Platforms Consultation
Department of Internal Affairs
PO Box 805
Wellington 6140

Sent by email to: sosmp_consultation@dia.govt.nz

SUBMISSION on 'Safer Online Services and Media Platforms' Discussion Document

1. Introduction

Thank you for the opportunity to make a submission on the 'Safer Online Services and Media Platforms' discussion document (discussion document). This submission is from Consumer NZ, an independent, non-profit organisation dedicated to championing and empowering consumers in Aotearoa. Consumer NZ has a reputation for being fair, impartial and providing comprehensive consumer information and advice.

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2. General comments on the discussion document

Rather than answer specific questions in the discussion document, we wish to make the following general comments about the regulation of online and traditional media platforms.

More robust consumer protections

We agree the current consumer protections are seriously lacking and support the introduction of more robust protections for consumers of online and traditional media platforms.

We also agree New Zealand is falling behind comparable jurisdictions and consider urgent action is required to better protect consumers, particularly our tamariki and other vulnerable consumers. However, we do not agree that regulatory efforts should only focus on the areas of highest risk, such as harm to children or content that promotes terrorism. In our view, these areas should be a priority, but a broader approach is required to tackle the wide range of unsafe content and harm being experienced by consumers.

Although we consider online platforms are likely to be responsible for most harm, we agree with the proposal to introduce a single cohesive regulatory framework applying to all types of platforms to minimise the risk of consumers being exposed to unsafe content. However, we are concerned the definition of 'Regulated Platform' may be too narrow. In our view, it is possible that small platforms (such as those promoting terrorism, extreme right-wing content etc) could create disproportionately high levels of harm to consumers. We therefore suggest further consideration is given to including platforms that have smaller audiences but still cause significant harm.

In our view, effective monitoring and enforcement of the regime is critical to ensure its success. We support the establishment of a new independent regulator to help create a safer environment for consumers. However, rather than the approach suggested in the discussion document, we consider the more prescriptive approach (described on page 49 of the discussion document) to monitoring and enforcement should be adopted.

We agree platforms' efforts to improve safety should be supported by education and awareness initiatives.

Consumers should also have access to an effective complaints process to ensure they have somewhere to turn when things go wrong.

Harmful content

In our view, platforms need to take more responsibility for content governance. In particular, platforms should be required to have safeguards in place to prevent the upload and creation of harmful content, beyond prohibitions in their terms of use. They should also be

required to proactively monitor content and take appropriate steps to address harmful content when it is identified.

We agree consumers should be empowered and supported to make choices about what is safe for them and think platforms should be required to give consumers the ability to filter out and notify any harmful content.

We also agree platforms should be required to have procedures in place to ensure children cannot access age-inappropriate content.

We agree the regulator should have the power to order a platform to take down the most harmful content (i.e., illegal content). In our view, this power should extend to any content that is illegal. They should also be able to disrupt the service of platforms that continue to host illegal material after being issued a takedown notice.

Finally, we note the comments in the discussion document that some harms, such as online scams will remain outside the new framework. However, we urge the government to take urgent action to better protect consumers from the devastating effects of scams.

Thank you for the opportunity to provide comment.

ENDS