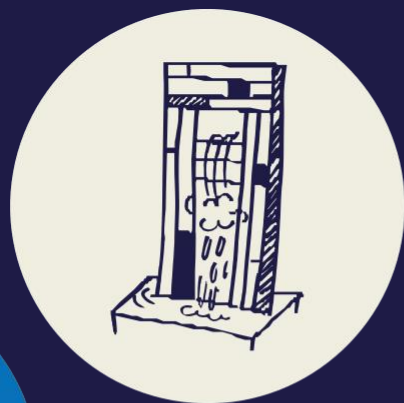


HAMILTON CITY COUNCIL – STAFF FEEDBACK

Safer Online Services and Media Platforms – Department of Internal Affairs – June 2023 Discussion Document

Department of Internal Affairs



29 August 2023



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority **A city that's easy to live in.**

Council Approval and Reference

This staff feedback was approved by Hamilton City Council's Chief Executive on 29 August 2023.

Hamilton City Council Reference D-4828775 - Submission # 746.

It should be noted that the following feedback is from staff at Hamilton City Council and does not therefore necessarily represent the views of the Council itself.

Key Messages

1. We support the overall direction and intent of the Department of Internal Affairs June 2023 Discussion Document which proposes a new way to regulate social media and traditional media platforms.
2. We propose more consideration and significance be given to 'unsafe content' such as misinformation.
3. We strongly support that this regulation is consistent with various rights and legislation.
4. We suggest some ways to ensure Te Tiriti o Waitangi and the Maaori voice help shape the outcomes of the Regulator.
5. We suggest some amended definitions of key terms.

Introduction

6. Hamilton City Council staff welcome the opportunity to provide feedback to the Department of Internal Affairs June 2023 Discussion Document **Safer Online Services and Media Platforms**.
7. We support the overall direction and intent of the Discussion Document which proposes a new way to regulate social media and traditional media platforms.

Definitions in the proposals

8. **What do you think about the way we have defined unsafe and harmful content?**
 - a. We support the current proposed definition of 'harmful content'.
 - b. We submit that the definition of 'harmful content' be extended to include those who may be the subject of that content without their consent are also at harm. This would better align the protective outcomes of the Regulator with the Harmful Digital Communication Act 2015.
 - c. We support the current proposed definition of 'unsafe content'.
 - d. We suggest that the definition of 'unsafe content' be extended to include content which promotes harmful acts while not being 'harmful content' itself. This would help clarify that this includes examples defined under point 12 of the discussion document.
 - i. "12. Some forms of content can be unsafe for communities, or for society as a whole – for example, if it discriminates against an ethnic group, or interferes in democratic processes. These forms of harm also fall within our proposals."
9. **Does the way we have defined unsafe and harmful content accurately reflect your concerns and/or experiences relating to harmful content?**
 - a. We agree the definitions for the most part reflect our experience relating to harmful content.
 - b. At a local government level, we are seeing a growing issue within our community stemming from unsafe content such as misinformation. This has been observed through national issues such as COVID-19 mandates, as well as several local issues such as 15-minute cities.
 - c. This has seen an increase in incidents of abuse of our staff, unauthorised access to our offices/facilities, members of the public attending staff and Council representatives' homes to 'serve papers', obstruction of worksites, and in an extreme case, a 'Writ of Execution' being presented to two of our Elected Members by members of the public.

- d. Our concerns at a local level, with unsafe content leading to a rise in both online and in-person incidents, are reflected in the Department of Prime Minister and Cabinet's Research Report: Unite against the COVID-19 Infodemic – September 2022.
- e. We encourage that more significance be placed on 'unsafe content' through Codes of Practice or guidance for platforms.
- f. We support and stress the importance of the objective to ensure this regulation is consistent with various rights as defined under points 21 and 22.
 - i. "21. The overarching objective must be consistent with the various rights set out in the New Zealand Bill of Rights Act, Human Rights Act, and Privacy Act. These include freedom of expression, non-discrimination, and privacy rights."
 - ii. "22. Where there is a potential clash between different rights, our proposals look to strike an appropriate balance and to ensure that all responses are proportionate to the risk of harm."

About the proposed new framework to regulate platforms

10. **Have we got the right breakdown of roles and responsibilities between legislation, the regulator and industry?**
 - a. We support the current definition of roles and responsibilities and applaud the forethought already provided.
11. **We are trying to focus on platforms with the greatest reach and potential to cause harm. Have we got the criteria for 'Regulated Platforms' right?**
 - a. We understand the breadth of industries that the definition may apply to but believe the threshold for a regulated platform may be too high in practice, as there are small platforms which may produce consistent or significantly harmful or unsafe content.
 - b. We propose that platforms should be able to be selected as Regulated Platforms by a subset of criteria, or, that a tier system of compliance be used whereby smaller Regulated Platforms may be subject to some controls such as consistent and transparent complaint processes or takedown notices in extreme cases without needing to comply with an Industry Regulator and/or a broader Code of Practice.
12. **Do you think we have covered all core requirements needed for codes of practice?**
 - a. We support the proposed core requirements for Codes of Practice.
 - b. We would endorse a more supportive approach as described through industry training bodies and sector groups to develop awareness and competency. We recommend that be extended to agencies as well to develop and embed those Codes of Practices with content owners, journalists, content moderators and other media sector actors.
13. **What do you think about the different approaches we could take, including the supportive and prescriptive alternatives?**
 - a. We support a more supportive approach in building capabilities within the education sector and other organisations (such as Netsafe, and community organisations), and building consumer resilience.
 - b. We would also support a more prescriptive approach to monitoring compliance, carrying out risk assessments, and assessing measures and processes to determine obligations are being met.

Summary of potential roles and responsibilities under the proposed framework

14. What do you think about the proposed roles that different players would have in the new framework?

- a. We support the current definition of roles and responsibilities and applaud the forethought already provided.
- b. We suggest the role of Content Creators/Owners could be described in this chain for transparency, but a clear distinction be made that Platforms govern Content Creators, not the Regulator.
- c. We suggest the role of the Consumer could be described in this chain to express the role they play in their own safety by utilising the controls made available by Platforms.

What would the proposed model achieve?

15. What do you think about how we're proposing to provide for Te Tiriti o Waitangi through this mahi? Can you think of a more effective way of doing so?

- a. We strongly support the current proposal to embed the cultural and social perspectives of Maaori, the principles of Te Tiriti o Waitangi and tikanga Maaori within the regulatory model.
- b. We support continued development of this area in consultation with Maaori.

16. What do you think about how rights and press freedoms are upheld under the proposed framework?

- a. We support and applaud the care and importance already considered to ensure this regulation is consistent with various rights and other legislation.

Are there any other points you would like to raise?

17. Consideration and support for electoral officers and election integrity controls as part of Codes of Practice.

- a. We support the recommendation from our colleagues through Taituarā that there be a regulatory body to assist electoral officers with their regulation of social media during local elections.
- b. We would suggest election integrity be a feature of Codes of Practice to ensure Platforms provide some minimum standards such as fact checking, algorithm transparency, verified accounts, or balanced content as seen on platforms overseas.

Further Information and Opportunity to Discuss our Feedback

18. Should the Department of Internal Affairs require clarification of the feedback from Hamilton City Council staff, or additional information, please contact **Liam Blackwell** (Senior Digital Communication Specialist) on **07 838 6722**, email liam.blackwell@hcc.govt.nz in the first instance.

19. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the Department of Internal Affairs.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

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