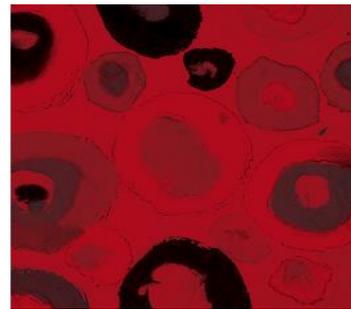


Submission to the Governance and Administration Select Committee: Films, Videos, and Publications Classification (Commercial Video On-Demand) Amendment Bill



We firmly endorse the intent of the Films, Videos, and Publications Classification (Commercial Video On-Demand) Amendment Bill (the Bill) to classify commercial online video content. We seek that implementation of the Bill be child-centred and there are measures in place to ensure this, such as holding a high standard for checking classifications against the criteria to make the system as robust as possible.

The classification of films, videos, media and publications is primarily designed to protect people, particularly children, from viewing or experiencing material that could be harmful to them. We support the Bill as children, young people and their whānau should feel safe viewing media online, including film and video content.

The Bill is a step in the right direction towards all media having a consistent and appropriate classification system to enable children, young people and their whānau to make informed choices about their viewing and to protect children from viewing harmful material.

WE SUPPORT A BETTER CLASSIFICATION SYSTEM TO PROTECT CHILDREN

All children in Aotearoa New Zealand have a right to be protected from harm. This is one of the rights we agreed to uphold when Aotearoa ratified the UN Convention on the Rights of the Child (the Children's Convention).

The Office of the Children's Commissioner (the OCC) advocates for the rights of all children including:

- > The right to be protected from harm
- > The right to have a say, participate and be listened to
- > The right to information in all its forms to make informed decisions
- > The right for the best interests of the child to be a primary consideration.

The OCC supports the intention of the Bill to improve and update the classification system for commercial online video content and commercial video on-demand (CVoD) to move classification in line with films and broadcast television. We acknowledge that this does not classify all available media, nor does it intend to. We encourage further efforts to minimise potential harm to children from remaining non-classified content online.

Children and young people have the right to have their voices heard, considered and taken seriously, particularly when decisions are being made that affect them. We encourage the select committee to seek out and listen to the voices of the children and young people who are the primary focus of the Bill and to keep these children in the forefront of any decisions made.

Asking for the views of children and young people and using a child-impact assessment tool¹ are recommended to ensure that new policy and legislation are in the best interests of children.

¹ <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>

The OCC represents **1.1 million** people in Aotearoa New Zealand under the age of 18, who make up 23 per cent of the total population.

We advocate for their interests, ensure their rights are upheld, and help them have a say on issues that affect them.

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WE BROADLY SUPPORT THE AMENDMENT BILL

The classification system is designed to protect children and young people from material which may have a harmful effect on their thoughts, attitudes and psychological development². Therefore, it is important to ensure that the classification of CVoD is upheld in a mandatory, legislative way, for the best interests of children.

We asked young people: "What is the one thing you want to tell the Prime Minister that children and young people need to have good lives, now and in their future?" One answer was:

"To make sure kids are safe online." *

* Quote from 12 year-old Māori girl from a rural town, in "What makes a good life" survey conducted for the Prime Minister's Child and Youth Wellbeing Strategy, 2018.

Children can be harmed by exposure to material that they do not have the maturity to critically analyse. Violent, graphic and confronting scenes can be traumatic; some behaviours which are not appropriate for everyday life can be seen by children and young people as being 'normalised' through experiencing video and other content online. Avoiding exposure to unsuitable material is dependent on having sufficient information available to make an informed decision on what to view.

We support the amendment proposed in this Bill as it would ensure universally consistent information through classification standards, provide better-quality information for children, young people and their whānau and thereby improve the safety of children and young people. This contributes to the realisation of the right for children, young people and their whānau to make informed decisions.

We note that a parallel classification trial in Australia³ has demonstrated that the tool used by Netflix provides adequately conservative classifications, the self-classification system, producing the same rating, or one higher, in ~94% of titles assessed. This self-classification system was based on Government Classification Board guidelines and has been made permanent.

Media content can be classified according to a standardised system of age-restrictions and parental supervision recommendations (such as G, PG, M, RP13, R13 or R18) to reflect this. In addition, classification of films includes content descriptions, such as violence, offensive language, and sexual content, so parents and young people know what to expect and can make informed decisions about viewing.

Television also has time-bands (the watershed)⁴ before which adult content cannot be broadcast. This provides a safety mechanism for families to allow children to watch television, knowing that what is broadcast is suitable for children. Recent research has shown that the watershed and information for parents are key mechanisms for protecting children from harmful content⁵. Since CVoD can be accessed any time, and therefore has no watershed, it is important to bring this Bill into line with what is already

² <https://www.censor.org.nz/why/why-important/>

³ <https://www.classification.gov.au/about-us/media-and-news/news/australia-leading-way-netflix-classification>

⁴ <https://www.bsa.govt.nz/broadcasting-standards/resources/classifications-and-timebands/>

⁵ https://www.bsa.govt.nz/assets/Research-reports/Public-consultation/50d83774cb/2017_Parental_Guidance_Survey_TVNZ_-_BSA_-_Green_Room.pdf and https://www.bsa.govt.nz/assets/Uploads/0e2ee9ffe1/2017_BSA_Understanding_timebands_within_vulnerable_communities_study.pdf

happening for other media providers (e.g T.V, movie theatres and D.V.D), with an up-to-date system in place to protect our children and young people.

THIS LEGISLATION WILL NEED TO BE RESPONSIVE TO CHANGES IN TECHNOLOGY AND ONLINE CONTENT

It is important that there are checks and balances in place for this legislation to be effective, as CVoD will be able to self-classify via a system approved by New Zealand's Classifications office. We support that there will be a regular and proactive monitoring process set up. Being stringent, aware and proactive contributes to limiting any CVoD which may 'fall through the cracks'.

We understand that Schedule 4 can be amended to add or delete names of video on-demand providers. We hope that such amendments can be responsive, adaptable and made quickly, as there are many CVoD-providers that may not be included initially in Schedule 4. Delays in classification could cause significant harm, particularly to young people and children. Technology and media change at a rapid pace, and systems to access commercial video and other media content are increasingly innovative.

We recommend all efforts are made to ensure this Bill is as efficient as possible to enable additions of providers to keep it fit for purpose and minimise harm whilst holding a protective, child centred view at the heart of decision-making.

CONCLUSION

We consider that this Bill is a good step in reducing the potential harm caused to children and young people by viewing inappropriate CvOD content. We urge the Government to consider the needs and rights of children first and foremost when making decisions in relation to classifying CVoD content.

This amendment Bill does not address some of the most harmful material children and young people view online, via websites such as FaceBook, YouTube or even just particular wording used in web searches. Further steps will need to be taken to look at ways to protect children and young people from objectionable and violent material that is posted on free sites online.