

Response to Consultation Paper

From Darryl Dorrington,

Q1

Q 1:

What concerns are appropriate to be addressed through content regulation?

The standards in the current Act with an expansion of the “good taste and decency” to embrace protection of minors.

Q 2:

Should a single regulatory regime apply to all broadcasting-like content no matter how it is distributed?

No, assuming this means the same code for all delivery platforms

Please give reasons for your answer.

Because there should be different codes according to the degree of control the user can exercise.

Q 3:

Should the same general regime apply, but with a less strict or detailed code for content received on the demand of individuals than for content broadcast conventionally?

Yes

Please give reasons for your answer

As the user can exercise more control over what they receive the code can become more relaxed although there may need to be warnings on content not suitable for minors.

Q 4:

Publicly-owned broadcasters have special mandates to set standards of quality (such as the Charters of TVNZ and Radio New Zealand

or the legislation of Maori Television).

Should their content be regulated differently from the content of private-sector broadcasters or the same?

The same

Please give reasons for your answer.

The reality is that the publicly owned operators act in the same market as all other operators and should be subject to the same standards. A double standard would cause confusion.

Q 5:

Should broadcasting-like content provided to audiences from overseas be subject to New Zealand's regime for content regulation?

Yes

Please give reasons for your answer.

Although this may be hard to implement, ISPs should be required to participate in the development of a code for ISPs which is consistent with NZ standards and then to make reasonable efforts to comply with this. This may mean having software that warns, as many antivirus or security systems seem to do, that some sites are dangerous or that content should carry warnings where it is not suitable for minors. In the end, at an individual user level this becomes unenforceable and it will be up to households to decide their own security arrangements or parental control system.

Q 6:

If you answered yes, what form should regulation take, and who should regulate such content?

See 5

Q 7:

a) Should there continue to be a state agency available in New Zealand to operate a system of content regulation?

Yes

Or

b) Should broadcasters be able to regulate themselves, within the requirements of legislation?

No

Please give reasons for your answer.

The existing system has evolved as the industry has grown and become understood in society and is a good balance between a high level of self regulation with the safety valve of the Standards Authority for those who are not satisfied with the broadcasters actions. I think it works well for broadcasters as well as the public.

Q 8:

a) Are the current arrangements for monitoring public broadcasting and the broadcasting environment adequate?

No

Please give reasons for your answer

I believe the Broadcasting Commission should be required to carry out a periodic and independent review, say at five yearly intervals, involving all stakeholders to advise the Minister on the recommended level of funding and the priorities for its use for the next period. The staff of the Ministry should support the Commission for this review while NZ on Air staff should be participants and make their own submission. If there are other concerns about possible conflicts of interest for Commission members, perhaps an independent chairman should be appointed for the review.

b) Are there any gaps in the current arrangements?

Yes

Please give reasons for your answer.

See a) above. There should be periodic public review of the level of public funding and the priorities for its use.

Q 9 :

If you believe that there are gaps in the current arrangements, would such an agency play a useful role?

No

Please give reasons for your answer.

A new agency separate from existing activities is unnecessary. The only gap is the public funding review.

If you answered “no”, what other ways of monitoring the broadcasting environment could be explored?

Why is this monitoring needed? If broadcasters are doing their job they will do this for their own protection and survival. If there are major concerns with the broadcasting environment, they will be hammering at the door of the Ministry. To the extent that PSB operators have to provide annual plans, Statements of Corporate Intent, consult with officials etc there must be a steady flow of info coming to Government and officials. Other jurisdictions produce any number of glossy reports on all manner of topics but my experience shows that the real info and the real action is with the operators. This is life and death to them, not just an interesting academic exercise.

Q 10:

Do you favour a stronger role for a state agency in encouraging media literacy?

No

Please give reasons for your answer

Digital illiteracy is a non threat and non-issue. People will become as informed in this area as is necessary to meet their own self interest. Service providers and manufacturers will obviously market and “educate” to build their businesses.

Community groups like Senionet will show “oldies” how to send digital photos of their grandkids to all and sundry. Sports clubs will and do send out their newsletters on email, word of mouth seems to have done a lot of education about Trade Me. At the same time people are and will remain technophobes and trying to educate them to be different beyond their own self interest would be expensive and non productive. Where a product is compelling, people will become literate. There has been no need for a “national coordinated mobile phone and texting literacy programme”!! If they remain “illiterate”, whatever that might mean, it suggests the product or service is less than compelling as far as they are concerned.

4.10 Internet safety The problems of viruses etc are wellknown. Protecting minors is a moving target. While the problems of internet pornography are well known, the downsides of sites like Facebook are more problematic to deal with. In the first instance, word of mouth, random news stories and magazine comment, perhaps from celebrities will play the major role in creating awareness and giving advice. A literacy program would have to study and review etc etc and by the time it said anything substantive it would be closing the stable door after the horse has bolted. So, worthy but ineffective.

Q 11:

Would a greater emphasis on media literacy be useful to New Zealand audiences in order to identify and avoid undesired content sourced directly from overseas?

No

Please give reasons for your answer

As already mentioned, people will learn as much as they need. Like viruses, for every undesirable content source today, there will be another tomorrow. Word of mouth and advice from suppliers and ISPs is the fastest way to deal with such threats to the extent that they are material.

Q 12:

Should these roles be part of the mandate of New Zealand’s broadcast content regulator?

No

Please give reasons for your answer

I have not seen the report so am unclear what an “educative and collaborative role with relation to violence on television” actually

means or what effect it would have but am sceptical as to whether it would produce any meaningful outcome.

Q 13:

Should it have a similar educative and collaborative role in relation to other matters, such as, for example, the interests of children and young people?

No

Please give reasons for your answer

As above

Q 14:

Are a single set of broad concepts as a basis for content regulation more, or less, important in an era of increased choice in content and in the ways of receiving it?

Please give reasons for your answer.

They are equally important. The principles on what is good content do not change just the degree of control over selection of content by the end user.

Q 15:

a) Should the concepts currently guiding the standards applying to broadcasting continue to apply to broadcasting?

Yes

b) If yes, should they apply more widely across the scope of content regulation, - that is, beyond conventional broadcasting?

Yes .

Please give reasons for your answers.

See Q14

Q 16:

Do you have a preference between these two possible approaches?

Yes

Please give reasons for your answer.

I prefer “good taste and decency”

Q 17:

Does this principle, as currently expressed in the Act, remain important in an era of an increasing variety of outlets for information?

Yes

Please give reasons for your answer.

It's a qualified yes. For major news media, it's a yes. If there was a significant increase in major news media suppliers, the need may diminish but this seems unlikely in NZ. For individual commentators it should not apply. For bloggers and other websites other than those of major media operators it should not apply.

Q 18:

If the principle of balance remains important in conventional broadcasting, should it apply more widely if the scope of regulation is widened beyond conventional broadcasting?

No

Please give reasons for your answer.

See Q17

Q 19:

To what extent is the achievement of accuracy dependent on the availability of a balance

of views

a) within a broadcast programme, or other audio-visual content?

Not necessary

b) across broadcast programmes, or other content, by the same provider of content?

to the extent the provider is a major news media provider then this should be done

c) across the media as a whole?

We are in trouble if this is not the case.