

Public submission report:

Aotearoa New Zealand Code of Practice for Online Safety and Harms

A report prepared by Netsafe on the feedback received from the public consultation process of the Aotearoa New Zealand Code of Practice for Online Safety and Harms.

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Background

For the past year, Netsafe has been leading the development of a voluntary industry code - the **Aotearoa New Zealand Code of Practice for Online Safety and Harms** - that brings industry together under a set of principles and commitments, as well as provides a best practice self-regulatory framework aimed at enhancing people's safety and reducing harmful content online.

The intention and development of the Code is encapsulated by four key Māori principles of *mahi tahi* (solidarity), *kauhanganuitanga* (balance), *mana tangata* (humanity) and *mana* (respect), which are critical to serving the diverse user communities in New Zealand and realising the purpose and aspirations of the Code.

A broad range of digital platforms - including Meta (Facebook and Instagram), Google (YouTube), TikTok, Twitch, Twitter - have been involved in the initial drafting of the Code. The Code aims to provide best practices for a broad range of products and services, serving diverse and different user communities with different use cases and concerns. As such, it provides flexibility for potential Signatories to innovate and respond to online safety and harmful content concerns in a way that best matches their risk profiles, as well as recalibrate and shift tactics in order to iterate, improve and address evolving threats online in real-time.

The Code is not intended to replace or address obligations pertaining to existing law or other voluntary regulatory frameworks but instead focuses on the Signatories' architecture of systems, policies, processes, products and tools established to reduce the spread of potentially harmful content.

Unique features of the Code

The Code is an evolution of existing industry principles and standards that aims to broaden efforts, transparency and accountability for online safety and harm. It is built on existing practices in Aotearoa New Zealand and codes of practice in other parts of the world, mainly the EU Code of Practice on Disinformation,¹ the EU Code of Conduct on Countering Illegal Hate Speech Online,² the Australian Code of Practice on Disinformation and Misinformation³ and the Digital Trust & Safety Partnership Best Practice Framework.⁴ Most of the digital platforms who have been involved in the development of the Code are already signatories to or members of these other codes.

The Code is unique in that it provides a governance framework that aims to enable the Administrator, a multitude of relevant stakeholders, as well as the public to hold Signatories to their commitments. Although voluntary, digital platforms who become Signatories commit to being held accountable. For this purpose, the Code introduces oversight powers for the Administrator and a multi-stakeholder Oversight Committee. The Oversight Committee may

¹ <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>

²

https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en

³ <https://digi.org.au/disinformation-code/>

⁴ <https://dtspartnership.org/best-practices/>

recommend to the Administrator the termination of a Signatory's membership or the public naming of a Signatory for failing to meet its commitments; while the Administrator may make binding decisions. A complaints mechanism, allowing users to report on Signatories' non-compliance with Code commitments will also be established.

The Oversight Committee is responsible for monitoring Signatories' progress under the Code; evaluating their annual compliance reports; and reviewing and making recommendations for improvement of the Code. The Code, therefore, is intended to be a living document in that it is required to be regularly reviewed based on feedback from stakeholders and through operational learnings.

The Administrator and Signatories will have six months after the launch of the Code to establish the governance framework. The Code aims to be broadly inclusive, providing flexibility for a diverse range of digital platforms (both large and small) to participate and allows signatories' responses to the Code to evolve over time. Additional Signatories are welcome to join the Code and participate in its future development.

The Code commits Signatories to a set of guiding principles, commitments, outcomes and measures that are focused on seven safety and harmful content themes - 1) child sexual exploitation and abuse; 2) bullying or harassment; 3) hate speech; 4) incitement of violence; 5) violent or graphic content; 6) misinformation; and 7) disinformation - which Netsafe and the Signatories believe are of concern for Aotearoa New Zealand internet users. This makes the Code much broader than other existing industry codes. It also commits signatories to provide transparency about their policies, processes and systems.

Signatories are also required to provide annual compliance reports outlining actions and measures taken in relation to their commitments under the Code, which will be made public and open for scrutiny.

The code is unique not only in the elements described above, but also in its collation into one place, existing principles and frameworks drawn from international and local sources. These, along with online safety and digital platform expertise from Netsafe and the Signatories, and Māori advisory input, provided the basis for the development of the Code.

Kia kotahi te hoe (paddling in unison)

Te Rangapu Whakatutuki - the Administrator - and Signatories have different backgrounds and operating models with a diverse range of products and services, but are united in their desire to make a meaningful contribution to online safety in Aotearoa New Zealand.

As the Māori proverb '*Kia kotahi te hoe*' goes, we all come from our own *waka*, but when we come together in the same *waka*, our paddles must work in unison.

Executive Summary

The Code is not intended to displace or act in lieu of legislation. Rather, it is intended to support the broader policy and legislative framework and inform policy-making, as we have seen with codes of practice in other countries. The Code provides an opportunity to test, learn, iterate and innovate different policy measures.

Incorporating four key commitments, thirteen outcomes and forty-five measures, spanning across seven safety and harmful content themes, the Code provides a principled and innovative solution to incredibly complex and contentious digital speech concerns. Signatories of the Code have committed to implementing specific measures, according to their platforms' risk profiles in relation to the safety and harm themes, in a manner that is graduated and proportionate. Additionally, Signatories commit to providing greater transparency of their efforts (including transparency of their policies, processes and technologies, in relation to the Code) through annual reporting.

Netsafe received a great deal of feedback and insights from a wide range of stakeholders. Feedback included a mix of supportive notes and constructive criticism. In total, we reviewed 34 unique submissions, as well as 4767 template letters endorsing one of the unique submissions, from a range of academic institutions, think tanks, civil society and interest organisations, as well as private citizens in New Zealand.

There were several themes identified across the submissions that are discussed in detail in the Feedback and Response section of this report. The following is a summary of our response to the common feedback received:

1. **Respecting freedom of speech and expression.** Respect for freedom of speech and expression is a central and guiding principle of the Code. Signatories are required to respect freedom of speech and expression and other fundamental human rights in their efforts to address safety and harmful content online.
2. **Public feedback process.** The public consultation period was extended from six to ten weeks to provide more time for organisations and individuals to submit their feedback. Additional feedback sessions were organised with government and civil society stakeholders after the public consultation to gather additional comments on the Code and help develop the governance model.
3. **Role of Government, Legislation and the Code.** The Code is not intended to displace the role of the government or legislation. Instead, it is intended to support the broader policy and legislative framework and inform policy-making.
4. **Administrator Independence and Governance.** Safeguarding the independence of the Administrator, and ensuring there is no conflict of interest for it to perform its duties, is a main consideration for selection, which is why Netsafe is no longer considered a candidate for the role. The governance model also aims to provide certain checks and balances to ensure the Administrator and the Oversight Committee are able to exercise their powers independent of the Signatories. Funding of the Administrator by the Signatories will be limited to the specific budget needed to ensure the ongoing maintenance and administration of the Code. By signing onto the

Code, Signatories also agree to respect and uphold the independence of the Administrator, irrespective of their financial contributions.

5. **Scope of the Code.** The Code is intended to be a living document that may be iterated, improved, and changed in order to respond to ever-changing or emerging online safety and harmful content concerns, while also upholding human rights as a central tenet. The Code Review process was modified to allow for more frequent evaluation of the Code's scope, commitments, outcomes and measures by the Oversight Committee.
6. **Flexibility and Accountability.** The Code aims to be broadly inclusive and bring all digital platforms in line with best practice standards. As such, it is intended to be flexible in order for all signatories, who provide a diverse range of products and services, to evolve their efforts in relation to the Code's obligations over time. That flexibility is counterbalanced by transparency, in which the Code commits signatories to provide publicly available information about their policies, processes and systems addressing online safety and content moderation, as well as an annual compliance report on Signatories' efforts in line with their Code commitments. To further facilitate accountability, a requirement for Signatories' reports to be evaluated by an independent reviewer has been added to the Code.
7. **Inclusion of New Zealand-based companies.** Netsafe and the initial Signatories welcome the addition of more platforms, especially New Zealand-based companies, to participate in the Code. The Code aims to be broadly inclusive of all current and emerging digital platforms and services and have been designed to accommodate market entrants and smaller companies.

Public Consultation Process

The development of the Code from conceptualisation to the publication of the first draft for public feedback, took approximately nine months. Netsafe first announced the initiative early April 2021⁵ and the Code was made public for feedback in December.

A first draft, which was modeled after the EU and Australian codes, was presented by Netsafe to the core group of industry participants in late [July 2021](#), which initiated discussions on the text of the Code and how it could be made more impactful and operable for New Zealand.

The seven safety and harmful content themes were prioritised based on research⁶ conducted by Netsafe on content people in New Zealand have viewed that have negatively affected their lives, as well as top trends of harmful digital communication content being reported to Netsafe.

⁵ <https://www.netsafe.org.nz/onlinesafetycodeofpractice/>

⁶ <https://www.netsafe.org.nz/advice/research>

Netsafe and the industry group consulted with Māori cultural advisors on the Code to better understand a Māori perspective with respect to the framing and governance. Revisions to the Code were made to incorporate some of their recommendations.

During this time, Netsafe and industry participants had their own discussions with a broad range of stakeholders regarding the Code and brought the feedback of those discussions back to the development and drafting of the Code.

In November and early December, prior to the publication of the draft Code for public feedback, Netsafe and the industry group briefed government and civil society stakeholders. Due to initial feedback from those sessions, the public consultation was extended from six weeks to ten weeks, running from 2 December 2021 to 2 February 2022.

As a result of the extended public submission period, Netsafe received feedback and insights from a wide range of stakeholders. Feedback included a mix of supportive notes, constructive criticism and direct opposition. In total, we reviewed 34 unique responses and 4767 template letters endorsing one of the unique letters. This feedback has shaped the current version of the Code.

Feedback and Response

The input received during the public feedback process was instrumental in creating a transparent and workable Code that reflects the concerns and needs of government, public and private organisations, and the people of Aotearoa New Zealand. The insights gained from the submissions has helped guide further development of the Code.

While feedback in general were critical and suggested improvements, they also included messages of support for the establishment of the Code. Many noted that they believed such a move could reduce harm and abuse on the internet. Support was especially strong for the provisions of the Code that addressed child sexual exploitation and abuse materials.

Respecting freedom of speech and expression

The most common concern was that the inclusion of hate speech, misinformation, and disinformation in the Code would result in the removal of legal speech. These comments made up the vast majority of submissions and generally disagreed with the premise that legal but harmful speech (including hate speech and false information) should be removed by Signatories in accordance with their terms of service or other relevant rules. The vast majority (although not all) of the submissions that extensively addressed free speech or free expression issues did not address other facets of the Code.

We received a total of 20 unique submissions and 4,767 template letters on this topic. The template letters were mainly from individuals endorsing a letter from Jordan Williams of the Free Speech Union. The Williams letter makes several arguments: (1) platforms should not be required to remove content that is not illegal; (2) hate speech, misinformation, and disinformation should be removed from the themes of the Code; (3) the Code should not

permit Signatories to set their own definitions for key glossary terms; (4) the Code does not do enough to protect free speech.

In addition to the Williams letter and the 4767 letters of endorsement, we received 19 other unique letters that were concerned about the impact that the Code would have on free speech. Of these 19 letters, two concerns emerged: opposition to government-endorsed removal of online content and opposition to “big tech” having the power to remove content on their own platforms.

There seemed to be some confusion about the role of the New Zealand Government in the Code. Some submissions appeared to think the Code was developed by the government or would be enforced by the government. Other submissions understood that the Code would not become law, but still expressed concern that the Code would have implicit government endorsement if implemented.

Firstly, respect for freedom of speech and expression is a foundational principle of the Code, as noted in Article 2.2, which explicitly states: *“Any efforts to address safety and harmful content online should respect freedom of speech and expression and other fundamental human rights.”* Signatories are required to respect freedom of speech and expression and other human rights in their efforts to address safety and harmful content online.

Secondly, a core Māori principle that guides the overall development of the Code is *kauhanganuitanga*, meaning balance. The Code seeks to balance free speech with the prevention of harm. To achieve this, the Code aims to enable the broad range of digital platforms to responsibly balance privacy, freedom of speech/expression and other fundamental values, while addressing safety risks in ways that are most relevant and suitable to their products, services and user communities.

Thirdly, Signatories should have the ability to set the terms of use and rules for their services in line with the communities they want to create and the purpose of their service offerings. It has been the existing view of most online platforms that “companies should have flexibility to develop responsible practices to handle legal but potentially harmful speech.”⁷

Finally, as Signatories are enforcing their policies on hate speech, disinformation, misinformation, and other harmful content, the Code aims to provide a process for people to submit feedback on policies and enforcement. The Public Complaints Mechanism, as outlined in Article 5.3, is specifically intended to provide users in New Zealand with a channel for submitting complaints about Signatories non-compliance with the principles and commitments of the Code.

Development of the Code and the public feedback process

Two submissions, [as well as some public comments](#), included criticism that some or all parts of the development of the Code should have been more transparent and community-led. Concurrent with some of this criticism were comments that the public feedback period was too short.

⁷ [Susan Wojcicki, Free Speech and Corporate Responsibility Can Coexist Online](#)

Some of this feedback wanted specific information about how the Code originated. Other feedback argued that the Code should have been more transparent and developed from the bottom-up by the community. One submission argued that work on the Code should be paused until the development process can be reworked to start at the community level.

A few responses were critical of the extent of Māori consultation and involvement. While they noted the expert consultations and the outreach done during development, they did not feel that those consultations and outreach sufficiently represented Māori communities, and that the impacted groups should have had input on the design of the code. They also felt that the Māori principles were not adequately applied in the Code.

Six of the submissions contained comments that either criticised the length of the feedback period or expressed (directly or indirectly) that they felt rushed in providing feedback because they had only learned about it during the final week or weeks of the two-month period.

Transparency underpins the ethos of the Code. Netsafe took several actions to encourage public awareness. In April 2021, Netsafe published a public post on their website announcing the development of the Code.⁸ In July 2021, Netsafe along with some signatories hosted a press briefing to raise further awareness, in which the *New Zealand Herald* published an article describing some of the details and mechanisms of the Code as it existed during the time of the article's publication.⁹ On 2 December 2021, Netsafe announced that it would start accepting public feedback on the Code.¹⁰ The feedback period was extended from six to ten weeks due to initial feedback from civil society organisations.

In designing the public feedback process, Netsafe also examined best practices for consultations in New Zealand, as well as similar codes in other countries. The Australian Code, for example, allowed the public six weeks to provide comments. Looking at the New Zealand Government's consultations listing, many of the initiatives provide a shorter feedback period (as compared to Netsafe's 10-week period).¹¹

The Code also includes an Executive Summary and Preamble explaining the development process of the Code, the impetus for the initiative and considerations made when conceptualising and drafting the Code. During the development process, Netsafe and Signatories kept the Department of Internal Affairs and various civil society stakeholders informed.

Regarding lack of community involvement, the development process of the Code as well as the Code itself recognises the importance of multi-stakeholder involvement. The Code contains multiple provisions to ensure that communities would be consulted and involved in the governance of the Code. The Oversight Committee, as outlined in section 5.2, requires that it be composed of a range of stakeholders, including representatives from civil society and the Māori community. To help develop the governance model of the Code, which

⁸ [Netsafe, Code Announcement](#)

⁹ [NZ Herald, Online safety code: Netsafe NZ CEO meets Facebook, Twitter, TikTok bosses today](#)

¹⁰ [Netsafe, Code Public Feedback Announcement](#)

¹¹

<https://www.govt.nz/browse/engaging-with-government/consultations-have-your-say/consultations-listing/>

includes the development of the Oversight Committee, additional feedback sessions was organised with government and civil society stakeholders.

It is also important to note that the Code was not developed in a vacuum, as a ground up initiative. Its foundations are founded in existing Codes from New Zealand other countries, which had gone through their own consultations with various stakeholders, as well as based on the operational capabilities of the different Signatories - who differ in their risk profiles, approach, capabilities and processes on these issues. The Code is intended as the beginning of an iterative process that will rely on the governance framework, the multi-stakeholder forum it provides, the annual reports and complaints mechanisms as a way to further evolve the Code for local circumstances. The Code is not the total solution to these issues and Signatories welcome the initiatives led by government and others to also contribute to the ecosystem, including via their own processes consistent with their legislative and community engagement norms.

Role of government, legislation and the Code

Seven submissions provided feedback on the role of the government in the Code and content regulation in general. Some submissions from civil society and individuals expressed distrust about the potential role of government agencies in the development of the Code. Comments from this camp wanted more transparency into what materials were provided by government agencies in the drafting of the Code. Others were disturbed by government involvement in any effort that would result in the removal of speech from the internet.

While others wanted the Code to reflect existing government processes for dealing with certain categories of illegal online harms. The New Zealand Department of Internal Affairs, for example, suggested that the Code should more accurately reflect the existing role of government. Specifically, they suggest that the Code should “recogni[se] that users can refer their complaints through to responsible government regulators and companies should make that process easy for users.”

It is important to note that the Code is not government regulation; it is not intended to displace the role of government in addressing illegal content. Instead, the Code is an industry initiative designed to be another opportunity for transparency, for stakeholders to hold platforms accountable and allow for complaints to be made on Signatories’ policies, processes, programs and technologies in relation to their Code commitments. It is intended to support the broader policy and legislative framework and inform policy-making. Any government involvement in the development and governance of the Code should be transparent and appropriate.

Administrator independence and governance

Four submissions expressed concern over the independence of the Administrator or civil society groups that worked on the Code (either intentionally or unintentionally), highlighting potential conflict-of-interest in the exercise of its oversight powers, if the Administrator’s funding came from the Signatories.

Four submissions expressed concern that the Administrator or civil society groups that worked on the Code would not be independent (either intentionally or unintentionally) –

especially if the Administrator was beholden to Signatories for funding. There were also some concerns over potential conflict-of-interest in the exercise of the Administrator oversight powers if it were Netsafe, due to Netsafe's duties under the Harmful Digital Communications Act.

Some feedback suggested implementing independent protections for the Administrator's funding. One submission suggested that Netsafe should use its existing funding to operate the Code. Suggestions also included the creation of a dispute resolution process for the Administrator to dispute Signatories' funding decisions. Other submissions suggested that the Code should be amended with additional clarification about the dispute resolution process if a Signatory disagreed with the Administrator's finding that it had not been in compliance with the Code.

Safeguarding the independence of the Administrator, and ensuring there is no material conflict-of-interest for it to perform its duties, is an important consideration for the Code's accountability mechanisms to operate effectively. The governance model aims to provide certain checks and balances to ensure the Administrator (and the Oversight Committee) are able to exercise their powers independent of the Signatories. For example, the Oversight Committee will be composed of multiple stakeholders that are not part of industry. The Administrator and Oversight Committee are able to publicly name and initiate termination proceedings for Signatories for non-compliance with the code, without Signatories' agreement.

Funding of the Administrator by the Signatories would also be limited to a specific budget needed to ensure the ongoing maintenance and administration of the Code. Financial reports would be made public. This practice is not unprecedented. For example, the New Zealand Media Council is a self-regulatory body funded by industry.¹² Also, by signing onto the Code, Signatories agree to respect and uphold the independence of the Administrator, irrespective of their financial contributions.

Regarding potential conflict-of-interest for Netsafe as the Administrator, Netsafe and Signatories recognise that it is appropriate to identify another organisation to take on the role. However, Netsafe, as the leading online safety organisation in New Zealand, will still play a role in the governance of the Code with other stakeholders. It will also continue to act as convenor for the purposes of developing and launching the Code, while a new Administrator is selected.

Scope of the Code

Twenty-two submissions criticised the scope of content covered by the Code. Responses in this category held opposing views on how the Code should be changed. On one side of the spectrum, one submission argued that the Code did not go far enough and that Signatories wouldn't have to take any additional actions to comply with the Code. These submissions advocated for an increase in the scope of the Code. However, 21 submissions argued that the Code should not require or allow removal of any content that is not already illegal. These submissions advocated for revisions that would decrease the scope of the Code.

¹² [New Zealand Media Council](#)

Some feedback even suggested that “Netsafe should remove controls over lawful speech from the Code altogether.” Others voiced their “oppos[ition] to the proposed guidelines to stop hate speech, misinformation and disinformation [because t]here is no clear definition of what is considered ‘hate speech’ [or ‘misinformation,’ and] could include legitimate criticism of the government.” Some of this criticism overlapped with feedback that disfavored Signatory flexibility in defining glossary terms, as these submissions feared that platforms would use that flexibility to further restrict freedom of expression.

The submission that went the opposite direction, criticised the Code for not going far enough in restricting harmful legal speech. One common critical response on this side of the spectrum, both in this one submission as well as broader comments about the Code, was that the standards of the Code do not go beyond some of the Signatories’ existing platform standards and some of the thresholds of harm are lower than many of the Signatories’ existing user terms of service. Some responses suggested that the Code’s scope should be expanded so that it covers content beyond what was already required in the terms of service for individual signatories.

The conflicting responses about the strength of the Code exemplify the challenges of balancing the protection of free expression with the need for online platforms to prevent harm. The Code was developed to bring industry together under a set of principles and commitments, as well as provide a best practice framework aimed at enhancing people’s safety and reducing harmful content online.

The Code is intended to be a living document that may be iterated, improved, and changed in order to respond to ever-changing or emerging online safety concerns, while also upholding human rights as a central tenet. To ensure the Code is being assessed and improved regularly, the Code Review process was modified to allow for more frequent evaluation of the Code’s scope, commitments, outcomes and measures by the Oversight Committee.

Flexibility and accountability

The flexibility and inclusiveness of the Code were a common area of concern for respondents.

Some feedback noted that the current draft of the Code allowed signatories to “restrict its commitment to specific outcomes or measures [and] commit to the least onerous or meaningful measures, but nevertheless publicly describe themselves as a ‘Signatory’ in the same way as a Signatory who commits to all outcomes and measures.” Feedback suggested that the Code “should consider how to limit the ability of Signatories to misrepresent the extent of their compliance with the Code” and “create a method for raising and resolving disputes between Signatories who may disagree with claims being made by other Signatories.”

Two submissions noted that the opt-in/opt-out feature of the Code would allow platforms to claim signatory status without having to comply with all parts of the Code. While one submission recommended that “there should be minimum commitments provided for by the Code, that a prospective Signatory must always agree to be bound by in order to become a Signatory.”

Several submissions were critical of the flexibility that the Code gives to Signatories to define for themselves contested glossary terms, such as “hate speech” and “misinformation.” Much of the feedback about this flexibility was concerned that the definition could be adjusted by individual online platforms to censor users.

To start, the approach taken in the Code reflects the need for Signatories to have flexibility to develop best practices that are proportionate and relevant to the nature of their services and risk profiles. Even in the public feedback received, there was no clear consensus view on how to define terms like “misinformation.” As definitions vary between stakeholders, the glossary offers a practical way forward. The Code ultimately adopts an approach drawn from academic literature and an examination of comparative codes in Australia and the European Union.

Additionally, the Code aims to be broadly inclusive, providing flexibility for a diverse range of digital platforms to participate and allows signatories’ responses to the Code to evolve over time. The decision to design the Code to be flexible was made to support the inclusion of a multitude of different companies, including locally-based digital platforms and new market entrants, with varying products and sizes. Signatories may offer vastly different services, products, and features. This inclusive approach creates a pathway and incentives for new platforms to progress.

The Code addresses the concern about the opt-in/opt-out feature by requiring Signatories to complete a Participation Form, which has been updated to require, for each measure, either an initial assessment of practices being undertaken or an explanation as to why specific measures are not being implemented.

To enhance public accountability, the Code also provides a Public Complaints Mechanism, as outlined in section 5.3, for people in Aotearoa New Zealand to review and critique platform policies and enforcement.

Flexibility is counterbalanced by transparency, in which the Code commits signatories to provide publicly available information about their policies, processes and systems addressing online safety and content moderation, as well as an annual compliance report on Signatories’ efforts in line with their Code commitments. To further facilitate accountability, a requirement for Signatories’ reports to be evaluated by an independent reviewer has been added to the Code.

Inclusion of New Zealand-based companies

Some of the responses encouraged increased consideration of the role of various platforms that will likely not be part of the original group of signatories. One submission encouraged the “[i]nclusion of NZ-based service providers.” Other submissions encouraged consideration of industry newcomers in general. Some feedback “expressed concern that regulatory measures may present barriers to entry to under resourced market entrants.”

Suggestions for how to address these issues include “explicitly incorporat[ing] the principle of proportionality into the Outcomes and Measures to account for the resourcing of smaller companies and prevent undue barriers to entry into established markets, [to prevent] the Code from becoming a tool for use by Signatories to exclude new entrants to markets [and]

account[ing] for the role of established market players in sharing and facilitating the adoption of good practice by market entrants, in the same way as Tech Against Terrorism does.”

As noted, the Code is intended to be inclusive of all current and emerging digital platforms and services. Several provisions of the Code are designed to accommodate market entrants and smaller companies. For example, the flexibility for Signatories to commit themselves only to measures that are appropriate and relevant to their platforms allows a multitude of different companies, including new market entrants, with varying products and sizes to participate in the Code. This design creates a pathway and incentives for new platforms to progress.

Furthermore, Netsafe and the initial Signatories welcome the addition of more platforms, including New Zealand-based companies, to participate in the Code.

Unique feedback

Some of the feedback provided was unique to a single submission or to the perspective that a particular organisation brings to the consultation process. While these suggestions were generally idiosyncratic, they still provide us with useful guidance in continued development of the Code. The following is a list of unique feedback that were also considered:

- A suggestion to provide analysis of comparative codes, noting that the Code “[claims to] reflect existing practice and insights from other self-regulatory approaches [but] the work done to analyse those Codes [and] civil society capacity is extremely limited for investigating these alternative Codes and commentary about those Codes.”
- A suggestion for the Code to take more steps towards requiring platforms to prevent child sexual abuse materials (“CSAM”), including requiring platforms sign up for hash and blocking lists, which some of the Signatories already do.
- A suggestion to amend Article 3.3 of the Code so that unanimous Signatory approval would not be necessary for the continuation of the Code. That way, a single Signatory could not unilaterally terminate the Code.
- A suggestion for the Code to do more to represent and bring awareness to online harms that have a disparate impact on people with disabilities particularly.

Conclusions

We are confident that the Code in its current form provides a clear set of principles to guide future action by Signatories to tackle the challenging issues around online safety and harmful content.

The input received during the public feedback process was instrumental in the ongoing development and refinement of the Code.