

## DISCUSSION DOCUMENT


# Content Regulation in a Converged World

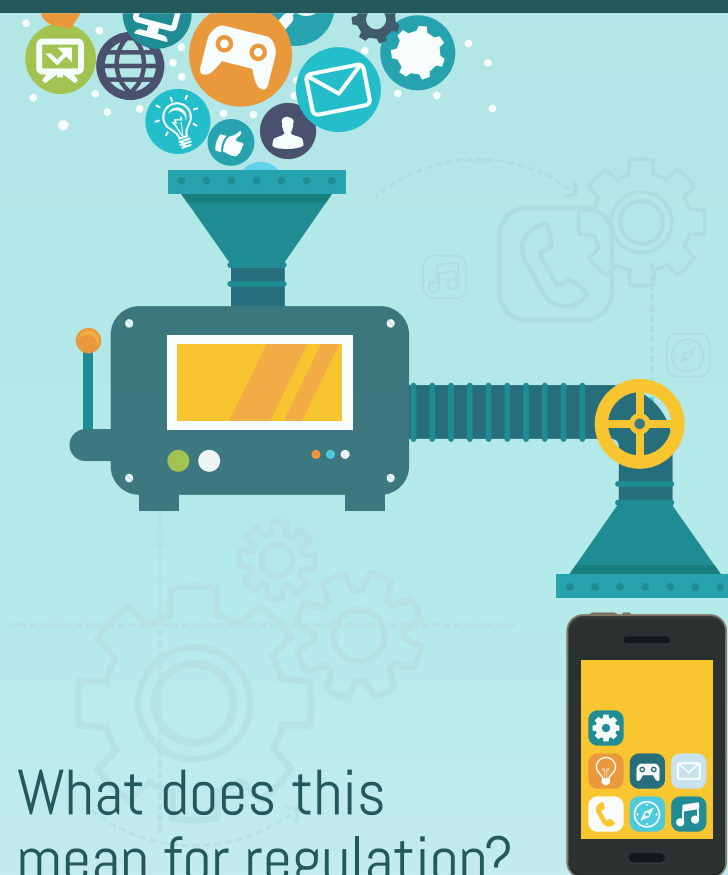
This brochure gives a snapshot of the issues and some key questions. You can view the full discussion document and give your views online at [www.mch.govt.nz/contentregulation](http://www.mch.govt.nz/contentregulation) or contact us directly at [convergence@mch.govt.nz](mailto:convergence@mch.govt.nz). Submissions close on 16 October 2015.

## What is convergence?

Convergence describes the reduction in barriers between sectors, so that businesses have new opportunities and consumers have increased choice and accessibility.

The nature of how New Zealanders communicate, do business, and access information and entertainment is changing rapidly in the contemporary digital environment. We can now make calls, send emails, and access content such as music and television on a single device, at any time, from almost anywhere in New Zealand. We expect reliable, always-on connectivity, at home, at work and on the move.

**20%**   
OF NEW ZEALANDERS WATCH TV  
VIA A TELEVISION AND ONLINE



## What does this mean for regulation?

The Government is committed to ensuring New Zealanders have access to relevant, high quality local and global content, legally, safely and cost effectively.

While technology has advanced the way we communicate, do business, and access information and entertainment, our regulatory systems remain segmented, reflecting the historic split between traditional services such as broadcasting and telecommunications. As a result, there are distinctions between different platforms present in legislation, which may no longer reflect the digital environment.

It's time to give our regulatory and policy frameworks a 'health check' to ensure they enable this vision to be achieved. Our regulatory system should 'treat likes alike' and be flexible and durable to cope with future change.



**BY EARLY 2015 NEW ZEALAND HAD A TOTAL OF FIVE VIDEO-ON-DEMAND SERVICES COMPETING FOR MARKET SHARE, COMPARED WITH ONE IN 2012**

## Challenges for our content regulation regime:

1

**Market, behavioural and technological realities aren't adequately reflected in current policy and legislation.** For example, the extensive use of social media during election campaigns has caused some to question the continued relevance of rules relating specifically to campaigning on radio and television.

2

**In some cases, the same content is treated differently by legislation depending on the platform used.** For example, restrictions on advertising timing and placement, stipulated in the Broadcasting Act, mainly affect television and radio, and do not apply to online platforms, even if they are carrying the same content.

3

**It's unclear how the rules for content standards and classification apply to online audio-visual content.** This provides uncertainty for both provider and consumer.

This paper presents some possible options to bring our regulation regime up to date. It requests feedback on these options and the issues highlighted, as well as other relevant issues.

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### Options for classification of audio-visual content

- Should on-demand content be classified in some way?
- Should similar content across different platforms be regulated in the same way?

*See Chapter 4*

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### Advertising restrictions

- Does the nature of linear television still justify an advertising-free period during the week, or should advertising be permitted on Sunday mornings?
- Should the advertising-free period be extended to cover broadcasters' online content as well?

*See Chapter 6*

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### Election programmes

- Should the current television and radio-specific regulation of election broadcasting under the Broadcasting Act continue? If not, which media should be covered? Should the definition of an election programme in the Broadcasting Act be media neutral?
- Should there continue to be separate rules for regulating 'election programmes' in the Broadcasting Act, in addition to the rules for governing 'election advertisements' in the Electoral Act?

*See Chapter 7*

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### New Zealand content: The Government's toolbox

- Are the current policy interventions in the media sector fit for purpose in a converging sector?
- Are there alternative or additional policy interventions you consider appropriate in the emerging media environment?

*See Chapter 8*