



## Netsafe submission on the Sentencing Reform (Amendment) Bill

### About Netsafe

1. Netsafe is New Zealand's independent, non-profit online safety charity. Taking a technology-positive approach to the challenges digital technology presents, we work to help people in New Zealand take advantage of the opportunities available through technology by providing practical tools, support and advice for managing online challenges.
2. We are an independent non-profit organisation adjacent to Government and law enforcement, supported by the public and private sector and with a focus on online safety. Netsafe provides free support, advice and education seven days a week through a helpline, our website and face to face service delivery across New Zealand
3. Netsafe is also the Approved Agency under the Harmful Digital Communications Act 2015 (HDCA). One of the purposes of the HDCA is to deter, prevent, and mitigate harm caused to individuals by digital communications. Netsafe's functions as the Approved Agency are set out in section 8 of the HDCA. Those functions include:
  - a. to receive and assess complaints about harm caused to individuals by digital communications
  - b. to investigate complaints
  - c. to use advice, negotiation, mediation, and persuasion (as appropriate) to resolve complaints
  - d. to establish and maintain relationships with domestic and foreign service providers, online content hosts, and agencies (as appropriate) to achieve the purpose of the Act
  - e. to provide education and advice on policies for online safety and conduct on the Internet.
4. Netsafe's comments are focused on our experiences dealing with online harms as both a not for profit agency and as the Approved Agency under the HDCA and relate only to the new aggravating factor of livestreaming or posting offending online (section 6 of the Bill which would insert a new section 9(1)(cc) into the Sentencing Act 2002).

5. Netsafe supports the intention to discourage the amplification of harm when offending behaviour is shared or promoted online. However, we believe the legislation would benefit from supportive education measures - particularly for children and young people.
6. For many young people today, livestreaming, posting, and sharing moments of their lives online is simply the way they engage with the world. This constant online presence means that young people may not always view the distinction between their online and offline lives as clearly as adults might. With this reality in mind, they may not fully understand how sharing content related to a crime can glorify or lead to further harm. For young people, who often do not yet fully grasp the long-term consequences of online behaviour, education is essential.
7. We think the following supportive measures should be considered to ensure the proposed amendment achieves what it intends and has greater impact:
  - a. Awareness education on the legal risks associated with sharing or “glorifying” behaviour online. We note in particular the term “glorified” is not defined in the legislation. This education should be accessible to young people, using straightforward language and relatable examples. We suggest incorporating this into relevant publicity and digital literacy programs if the intent behind the new aggravating factor is intended to prevent such behaviour.
  - b. Prevention and digital responsibility: Rather than relying solely on punitive post facto measures, we would urge the government to consider better resourcing of preventive approaches that focus on digital literacy and responsibility from an early age. Such programs can help young people understand the broader impact of their online actions.

**Netsafe**

**29 October 2024**