

# **Harmful Digital Communications Bill**

**Submission to the Justice and Electoral Committee**

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## **Contact**

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### About the New Zealand Nurses Organisation

The New Zealand Nurses Organisation is the leading professional and industrial organisation for nurses in Aotearoa New Zealand, representing over 46,000 nurses, midwives, students, kaimahi hauora and health workers on a range of employment-related and professional issues. Te Runanga o Aotearoa comprises our Māori membership and is the arm through which our Te Tiriti o Waitangi partnership is articulated.

NZNO provides leadership, research and support for professional excellence in nursing, negotiates collective employment agreements on behalf of its members and collaborates with government and other agencies throughout the health sector. Nurses are the largest group of health professionals comprising half the health workforce.

The NZNO vision is “Freed to care, Proud to nurse”. Our members enhance the health and wellbeing of all people of Aotearoa New Zealand and are united in their professional and industrial aspirations to achieve a safe, sustainable and accessible system of public health care for all New Zealanders.

## EXECUTIVE SUMMARY

1. The New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Harmful Digital Communications Bill.
2. The extensive consultation informing the development of a joint resource for nurses and student nurses, *Social media and the nursing profession: a guide to online professionalism for nurses and nursing students*, has formed the basis for this submission. It is also informed by feedback from members and staff in particular members with experience and expertise with children and young people and nursing education, and nursing, policy and research advisers.
3. We believe the bill is timely and appropriate; there is abundant evidence that digital communications can lead to serious harm and may be professionally compromising; the bill provides clear principles and mechanisms to address and mitigate such harm.
4. NZNO **supports** the Bill and recommends that you:
  - **add** nursing and medical professionals to the list of persons who may apply to the District Court for an order under the Bill.
  - **clarify** the minimum age that people may be held liable for causing serious harm with digital communication; and

- **note** NZNO's supporting guide for nurses use of social media.
5. NZNO does not wish to appear before the Committee.

## DISCUSSION

6. While we acknowledge the huge potential of digital communications to improve health outcomes in many ways - with online treatment and education programmes/information etc. - it is disappointing to note that the potential for harm is almost as great.
7. NZNO believes it is of the utmost importance that children and young people in particular are protected from harmful digital communication.
8. There are numerous cases of harm reported in the press both nationally and internationally in which children and young people have been emotionally hurt to the point where they have dropped out of school, self-harmed and even committed suicide.
9. Nurses are aware of the significant harm that results from digital communications such as:
  - Websites which promote harmful practices such as 'how to self-harm', 'eating disorders'.
  - Social media sites used to groom young people for inappropriate relationships.
  - Apps such as snap-chat used to humiliate young people to a large and public audience.
10. There is also considerable disquiet about the ease with which people are able to create false profiles in order to belong to multiple social media websites, i.e Facebook, Dating websites.
11. The 10 communication principles are clear, comprehensive and easy to understand; they are an excellent basis from which to develop industry standards for digital communications which are necessary.
12. NZNO **supports** the principles and, in view of the extremely high rate of youth suicide in Aotearoa New Zealand (Ministry of Health, 2007), is particularly pleased the inclusion of principle 9 *digital communication should not incite or encourage another person to commit suicide*.
13. There have also been incidents where nurses and other health professionals have been involved in inappropriate use of social media.
14. As a result both NZNO and the Nursing Council of New Zealand have produced guidance documents to support nurses to use social media safely.

15. We draw your attention to a nursing resource: *Social media and the nursing profession: a guide to online professionalism for nurses and nursing students* (New Zealand Nurses Organisation, NZNO National Student Unit, and Nurse Educators in the Tertiary Sector, 2012) among other useful documents developed by professions. The development of a set of nationally available standards for the safe use of social media and other forms of digital communication would be worthwhile.

### Approved Agency

16. NZNO believes the harm caused by digital communications warrants having the leadership of an expert approved agency.
17. We believe it is necessary that the approved agency should have experience and expertise in *both* digital communities and community engagement, as is the case with, for example, NetSafe.
18. We recommend that the collection and sharing of meaningful data on social media/harmful digital communications be a function of the agency.

### Section 10

19. Section 10 lists persons who may apply to the District Court for an order under the Bill. Health professionals are not on this list but doctors and nurses do deal with young people and children who are the victims of harmful digital communication and as such they may also be appropriate people to also to apply to the court.
20. NZNO recommends amending Section 10 to include Subsection 1(e) a regulated health practitioner if the digital communication constitutes a threat to the health and safety of any person, with that person's consent.

### Criminal convictions

21. This section of the bill has implications for nurses professionally, since a criminal offence that attracts a potential jail sentence of three months or longer must be reported to the Nursing Council of New Zealand (the regulatory authority) and referred to a professional conduct committee (PCC).
22. There are also time and cost implications for the regulator. For example, since the penalty threshold was lowered from two years to three months, PCC costs have escalated with the number of minor drink driving offences now put forward for review.
23. However, we have found that this more timely response to, and consequence of, harmful behaviour has been useful in identifying

problem behaviours and sending a strong message about what is and is not acceptable behaviour.

24. Accordingly we support harmful digital communications carrying a criminal conviction.
25. We note that a minimum age for convictions has not been set and believe that this needs to be clarified.
26. Children using digital communications lack the developmental maturity to fully understand the concept of harm in its broadest sense. Very specific boundaries are needed and the age of responsibility needs to be one of them.

## CONCLUSION

27. In conclusion, NZNO welcomes and supports the bill and recommends that you:

- **add S10 1(e)** a regulated health practitioner if the digital communication constitutes a threat to the health and safety of any person, with that person's consent.
- **clarify** the minimum age that people may be held liable for causing serious harm with digital communications;
- **agree** that the collection and sharing of meaningful data on social media/harmful digital communications be a function of the agency; and
- **note** NZNO's supporting guide for nurses use of social media.

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## REFERENCES

Ministry of Health. (2007). *Suicide Facts: 2005-2006 data*. Wellington: Ministry of Health.

New Zealand Nurses Organisation, NZNO National Student Unit, and Nurse Educators in the Tertiary Sector (NETS). (2012, March). *NZNO*. Retrieved January 24, 2014, from Social Media and the Nursing Profession: a guide to online professionalism for nurses and nursing students : <http://www.nzno.org.nz/Portals/0/publications/Social%20Media%20and%20the%20Nursing%20Profession%20FINAL.pdf>