



Submission

On the Deepfake Digital Harm
and Exploitation Bill

About PPTA Te Wehengarua

[1] PPTA Te Wehengarua represents the majority of teachers engaged in secondary education in New Zealand including secondary teachers, secondary principals, manual and technology teachers and area school teachers and area school principals.

[2] Under our constitution, all PPTA Te Wehengarua activity is guided by the following objectives:

- to advance the cause of education generally and of all phases of secondary and technical education in particular;
- to uphold and maintain the just claims of its members individually and collectively; and
- to affirm and advance Te Tiriti O Waitangi.

Our submission reflects these objectives.

Submission from the PPTA Women's Committee

The PPTA Women's Committee exists to set policy and take action that supports the working lives of women teachers and the school lives of girls. This includes both cis and trans women, and gender diverse people. The Committee is made up of appointed PPTA members who represent teachers, principals, Māori and Pasifika members, and union leadership.

The Women's Committee supports the Deepfake Digital Harm and Exploitation Bill.

While there is clear harm to all genders in sexually explicit deepfakes, it disproportionately affects women and girls. As teachers and principals in New Zealand secondary schools, we see firsthand the deep and enduring consequences of digital harm such as deepfakes on our students. It is no exaggeration to say that those who have experienced this harm sometimes do not survive it.

Inappropriate use of digital images and video has long been a concern for women teachers and students who are girls. The most common example of this is "upskirting" (taking photos or videos underneath skirts without the wearers' knowledge or consent) of teachers or students on school grounds, for example on school stairways. These images or film clips are then shared on social media or amongst students. We know that in these instances, even when a process of restorative justice or punishment has been taken, it is almost always the person who is harmed who ends up leaving the school because it is untenable for them to stay.

The development of AI has added another layer of anxiety for teachers and students, in that their likeness can now be made to be in situations that are completely outside their control. There are a myriad of ways in which this poses concern, but one of the most harmful iterations is the rise in the proliferation of sexually explicit deepfakes.

We support expanding the definition of an "intimate visual recording" to explicitly include images created, synthesised, or altered to show a person's likeness produced without consent.

We support criminalising the creation and distribution of such deepfakes, particularly in that it enables those who suffer this harm to seek redress. There are supports available from the police and associated organisations for the victims of crime. Currently there is no such support for those who have had sexually explicit deepfakes shared online because this is not classed as a crime. Criminalising this activity provides potentially lifesaving access to support.

The Women's Committee urges the Select Committee and the wider government to see this law change as a part of a larger set of reforms that are needed to reduce online harm. We support the criminal prosecution of the perpetrators of non-consensual deepfakes and other forms of intimate visual recording that are shared without consent, but we believe that further change is required at a system level. The owners of the online platforms on which these deepfakes are shared must be held accountable for the role they play in this harm. There needs to be transparency and accountability requirements for the platforms that are overseen by an independent regulator.

The Women's Committee commends the cross-party support for this Bill and encourages further cooperation to implement measures that will reduce online harm.