Legal update - Election 2014: Summary of ICT policies

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Introduction

With less than a week to go before the election, we are pleased to provide a summary of the key aspects of various parties' policies in relation to IT, telecommunications and technology, insofar as they are currently available.

While no one is expecting the result on 20 September to be decided by these policies alone, this election - more so than any before it - has kept the public entertained with a number of ICT-related themes and sub-plots, from GCSB and NSA scandals, to alleged email hacks and even an internet-themed political party. The concept of a 'Digital Bill of Rights' is present in many of the parties' policies, and most have something to say about what they would do to encourage further growth in the start-up sector and the way in which government procures ICT solutions.

National

National's policy is largely focused on the continued roll out of ultra fast broadband (UFB) and increased mobile coverage. Their policy objectives include:

- **UFB**: Promising to allocate an additional $152m to $210m to invest in the continued roll out of UFB. For homes and businesses outside of the UFB footprint, there is a further $100m contestable fund for extending broadband connectivity

- **Telecommunications**: Investing $50m to extend mobile coverage into remote areas of New Zealand.

Other National policies with ICT implications include:

- **Government ICT strategy and action plan to 2017**: Transforming ICT systems across the state sector to provide more and improved digital public services

- **Education**: Launching the Learning Technologies Advisory Service in February 2015, providing strategic advice to schools on the effective utilisation of technology

- **Digital literacy**: Providing more computers in homes and digital literacy training for low-income families.

The National ICT policy does not contain any specific focus on start-ups or the general ICT business sector but it does note National's past achievements in this area, namely:

- **Start-up investment**: $31.3m in repayable grants made while National has been in power to start-up companies in technology focused incubators and $1m accelerator investment

- **ICT training**: Focusing on training of ICT specialists, including increasing the number of advanced-level ICT places at tertiary institutions and funding of three new ICT graduate schools.

While the main focus of National's forward-looking policies is on ICT infrastructure, the dedication of half of the policy document to achievements-to-date might suggest a 'more of the same' approach from National.

Labour

Labour's overall vision is to "close the digital divide and ensure all New Zealanders can be part of a growing, more connected community". As could perhaps be expected when campaigning for a change in government, several of the Labour policies focus on a review or repeal of current policies and legislation. Their policy objectives include:

- **Broadband**: Reviewing the Rural Broadband Initiative and UFB schemes and the role of Crown Fibre Holdings

- Improving urban and rural broadband uptake, and exploring the idea of increasing rural connectivity with a $6.3m contestable fund, and urban connectivity with a $9.6m contestable fund

- Committing to maintaining the current commitment of at least $15m as an anchor tenant in the Hawaiki cable, or alternatively redeploying at least $15m as an anchor tenant in another (as yet unspecified) international cable with a viable business case. Investigate possibility of a cable from Southland to Australia

- **Garage grants and X prizes**: A $3.2m contestable Garage Grants fund (over four years) to provide successful applicants with training, mentoring and support from successful entrepreneurs and up to $10,000 in start-up capital. In addition, a $3m fund (over 10 years) would be allocated for 'X prizes' - public competitions seeking radical breakthroughs in technology that could benefit humankind. The move towards a grants-based approach to start-up innovation might signal a move away from the incubator model that has dominated government investment in start-ups to date

- **Tax incentives**: Introducing an accelerated depreciation regime as incentive to investment in the ICT manufacturing industry and R&D tax credits of 12.5%

- **NZ procurement target**: Target of keeping $200m a year of contracting in New Zealand across all areas of government procurement

- **Skilled shortage list**: Amending the skilled shortage list requirements for the ICT sector to recognise the value of experience over or in addition to qualifications

- **ICT apprenticeship funding**: Funding additional tertiary training places to enable 400 ICT apprenticeship positions each year

- **Digital Bill of Rights**: A 'Digital Bill of Rights' which would seek to increase privacy protection, protect freedom of expression on the internet, increase publicly available free internet access, and "make New Zealand a more stable and secure place for businesses to use and store data"

- **Telecommunications**: Amending the Telecommunications Act (to increase competition), the Radio Communications Act (to address the allocation of digital terrestrial frequency planning and leases) and the Commerce Act (to address monopoly behaviour)

- "All of business" review of the Telecommunications Act and possibly introduction of a broadband-based universal service obligation that enables rural and remote customers to get online

- Reviewing digital copyright law with the intention of introducing a new Copyright Bill in 2015

- Maintaining the 'computers in homes' programme

- **Broadcasting**: Supporting the establishment of an omnibus governing body covering all media complaints and codes

- Investigating the cost and funding options for re-establishing a commercial public service television station

- **Education**: Implementing a programme providing affordable access to portable digital devices for year 5-13 students. Investigating the promotion of the teaching of programming skills through teacher training courses and professional development programmes.

Green Party

The Greens' policy focus is on driving innovation and job growth in the ICT sector, touting the sector's light economic footprint and ability to overcome the geographic isolation of New Zealand as keys to growing a smart green economy. The Greens' policy objectives include the following:

- **Internships and scholarships**: Allocating $15m over three years to support internship programmes in partnership with industry and the tertiary sector to provide New Zealanders with the opportunity to develop skills and build experience in the ICT industry and providing more funding for PhD and Masters scholarships in disciplines that support ICT

- **Game development fund**: Supporting the creation and commercialisation of game developers' products with a development fund starting at $1m and increasing to $5m by 2017

- **Start-ups**: Simplifying the taxation of stock options for qualifying start-ups

- **R&D**: Increasing funding of R&D by an additional $1b over the next three years

- Exploring expanding the passive investment, currently used in the business incubator model, as a means of allocating grant money

- Requiring the repayment of R&D grant funding where businesses are sold offshore

- **Supporting local business**: Requiring government agencies to report on how much of their current IT spend is going to local companies and ensuring that future ICT procurement considers the wider benefits of supporting local businesses

- **Open source software**: Requiring all projects to use vendor-neutral, royalty free Open Standards and encouraging the use of Open Source where appropriate

- **Chief technology adviser**: Establishing this role to provide independent advice to government

- **Undersea fibre optic cable**: If the private sector is not able to complete a second cable, the Green party will explore how government could support its construction

- **Capital investment**: Government and industry collaboration to develop a strategy to enhance availability of venture and seed capital.

Internet Party

As is to be expected from the party branding, the Internet Party's ICT policy runs to chapters and digital policy is imbedded in most other policy spheres. The policy has some lofty goals, such as $1b of additional R&D investment. It also focuses on improving internet access and on some of the high profile issues most would associate with the Internet Party's backer - such as internet freedom and curbing GCSB's powers. The Party's policy objectives include the following:

- **R&D**: Increasing government investment in R&D by an additional $1b over the next three years and establishing university-centred innovation hubs. Providing 'Ideas Grants' and increasing the availability

- **IT careers**: Doubling the number of tech workers by updating the immigration points system and non-university career paths

- **Privacy and internet freedom**: Repealing the GCSB and TICS Acts immediately and including internet freedoms in the New Zealand Bill of Rights Act 1990 or creating a Digital Bill of Rights

- **Cheaper universal internet**: Halving the cost of internet access and ensuring universal access to fast broadband (delivering UFB to 97.8% of New Zealanders)

- **Copyright and open research**: Enabling easier access to online content legally and remove any liability for by-passing geo-blocking measures to access legal online content

- Amending the Copyright Act 1994 to make it more applicable to the digital age, including amendment of the 'three strikes law', allowing a 'fair use' exception, and strengthening the existing 'safe harbour' provisions

- **Environment**: Developing a futuristic, global-scale, green data centre in New Zealand and tackling e- waste while boosting smart cities and smart homes

- **Education**: Investing an additional $75m to triple the funding of ICT in schools

- **Christchurch**: Supporting the continued development of Christchurch's tech sector and directing a part of the already committed central government funding of recreating Christchurch to make it a world leading smart city.

New Zealand First

New Zealand First's policy objectives include the following:

- **ICT and business**: Providing New Zealand businesses with the first opportunity for government ICT tenders. The preference for New Zealand businesses in government ICT tenders echoes the Greens' policy, though is expressed in much stronger terms - government agencies can only use an offshore provider if no New Zealand solution is available

- Pursuing the availability of wholesale broadband services at competitive prices to increase international competitiveness for New Zealand businesses

- **ICT and privacy**: Ensuring that the right to privacy is included in the New Zealand Bill of Rights Act 1990

- **ICT and education**: Improving internet access in schools, especially in rural and isolated areas, and creating policy to protect children in schools from inappropriate internet material

- **Telecommunications**: Developing a framework to ensure a greater share of telecommunications infrastructure between all companies operating in New Zealand and considering setting up an independent regulator for the telecommunications industry

- **E-waste**: Working with the ICT sector to develop strategies to reduce e-waste and incentivise the recycling of old devices

- **Broadcasting**: Combining TVNZ and Radio New Zealand under one state-owned enterprise and re-establish a non-commercial public service free-to-air channel.

United Future

United Future's 'Broadcasting & Communications and Information Technology' policy is largely focused on broadcast content. Its policy objectives include the following:

- **NZ On Air**: Supporting NZ On Air to encourage and raise the profile of local content on television and radio channels

- **Broadcasting Standards Authority**: Reforming the Authority to enable it to fulfil its ombudsman role, including streamlining procedures and providing extra resources to ensure complaints are dealt with expeditiously

- **Radio New Zealand**: Maintaining Radio New Zealand in public ownership, supporting transmission to the greater Pacific region, and ensuring that sound and film archives are protected and digitally recorded

- **Broadband**: Extension of broadband services into rural and hard to service urban areas

- **Telemarketing**: Establishing a national 'Do Not Call' register to protect people from telemarketers and further banning telemarketers from calling anyone between the hours of 6.00pm and 8.00am in any 24 hour period

- Reducing cell phone costs by ensuring New Zealand has an open competitive modern telecommunications infrastructure, backed by a sound regulatory framework to protect the public interest

- **Online safety**: Taking steps to safeguard children from harmful internet material, and working with organisations such as NetSafe and the ICT industry to ensure that filtering software and other appropriate safety measures, including effective Codes of Practice, are effective.

Māori Party

The Māori Party does not have a specific ICT policy, but its education policy does include a number of ICT-related policies, including:

- Maintaining ongoing investment in Computers in Homes and iPads in Schools

- Investing in opportunities to migrate Māori educational content into the digital environment

- Establishing 10 more High Tech Youth Networks (formerly known as Computer Clubhouse) as a vehicle for whanau to create technological capability

- Building on the funding of $1.5m secured to archive precious Māori language broadcasting content in line with best industry practice

- Building on the $30m secured for the Māori ICT Development Fund to support Māori economic development and te reo Māori and culture.

Alliance

Alliance's 'communications and broadcasting' policy is also largely broadcast focused. Its policy objectives include the following:

- **Public broadcasting**: Establishing a fully funded television channel, maintaining the funding for Māori Television and NZ On Air, and enacting legislation to restoring live free-to-air broadcasting of significant national sporting events and series

- **Local content**: Setting minimum quotas for local content of 30% for television and music radio, and promoting locally produced children's programmes

- **ICT**: Guaranteeing "low-cost and reliable internet access for all New Zealanders, regardless of where they live"

- **Telecommunications**: Returning the "last mile" of the telephone network to public ownership.

Other parties

At the time of writing, the other parties standing in the election - Mana, the Conservative Party, ACT, Aotearoa Legalise Cannabis Party, Ban1080, Democrats for Social Credit, Focus New Zealand, NZ Independent Coalition and the Civilian Party - had not published specific policies relating to ICT, broadcasting or telecommunications.

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