



Ministerial Submission

To	The Hon Michelle Rowland MP Minister for Communications
Cc	Jim Betts, Secretary Richard Windeyer, Deputy Secretary
From	Julie Inman Grant, eSafety Commissioner
Date	31 March 2023
Subject	Submission of eSafety's Age Verification Roadmap to Government
Purpose	To provide the Minister for Communications with the eSafety's Age Verification Roadmap for the Government's consideration.
Attachments	Attachment A – eSafety's Age Verification Roadmap to Government
Recommendations	That you: <ol style="list-style-type: none"> 1. Consider eSafety's Age Verification Roadmap including its recommendations. 2. Consider publicly releasing the roadmap.
Minister	Noted / Please discuss
Signed and dated by Minister	
.....	Date:

Overview

1. The purpose of this Ministerial Submission is to:
 - Provide eSafety’s roadmap to Government on age verification (the roadmap) found at **Attachment A**.
 - Provide a summary of how eSafety developed the roadmap including its background, scope, methodology, guiding principles, and
 - Provide eSafety’s final recommendations to and proposed next steps.

Key Issues

2. In response to the House of Representatives Standing Committee on Social Policy and Legal Affairs (the Committee) inquiry into age verification for online wagering and online pornography (the Inquiry) in 2019 the then-Australian Government asked eSafety to lead development of a roadmap exploring *“if and how a mandatory age verification mechanism or similar could practically be achieved in Australia... including a recommended way forward”*.
3. Specifically, the committee recommended the Australian Government direct and adequately resource the eSafety Commissioner (eSafety) to develop a roadmap for the implementation of a regime of mandatory age verification for online pornography, to include:
 - a. A suitable legislative and regulatory framework
 - b. A program of consultation with community, industry, and government stakeholders
 - c. Activities for awareness raising and education for the public
 - d. Complementary measures for a holistic approach that addressed risks and harms associated with the exposure of children and young people to online pornography.
4. To inform its work, eSafety:
 - conducted a call for evidence and held extensive multi-sector consultations, summaries of which are available on eSafety website
 - undertook both desktop and primary research, including a survey and focus groups with participants aged 16-18, supported by further discussions with the eSafety Youth Council
 - commissioned an independent technical assessment of age assurance and online safety technologies from Enex Testlab
 - consulted with relevant agencies and departments across government.
5. In developing the roadmap eSafety was guided by the following core principles that were developed throughout its stakeholder consultations including:
 - Taking a proportionate approach based on risk and harm
 - Respecting and promoting human rights

- Proposing a holistic response that recognises the roles of different stakeholders and supports those most at risk
- Ensuring any technical measures are data minimising and privacy preserving
- Considering broader domestic and international regulatory contexts
- Considering what is feasible now and can be anticipate for future environments.

Findings and recommendations overview

6. eSafety recommends the government takes a multi-layered approach which reflects the evolving capacities and best interests of the child, and which aligns with policy developments both within Australia and globally. Key findings from the roadmap include:

- There are a range of potential impacts that online pornography may have on children, depending on the context. The key concern is the association between ‘mainstream’ pornography as a potential driver of gender-based violence.
- Age assurance, on its own, will not address the issue. However, to the extent age assurance and other measures may increase the age of encounters with pornography – making it more likely children have had access to education to help interpret it – these measures may help reduce harmful attitudes and behaviours.
- More research – and evidence-based, inclusive and relevant education – is needed.
- The age assurance market is immature, but developing. Each technology has benefits and trade-offs. Consumer choice to pick the option that users are comfortable with & works for them is key.
- Technology should be trialled in Australia, based on lessons from a recent EU pilot, before being mandated.
- Knowing a child’s age is only beneficial if this leads to steps to create a safe and age-appropriate experience.
- Children’s online experiences and risks change as they grow up, as do the best measures to keep them safe.
- Parents and carers need support. Barriers can include cost, awareness and lack of ability to calibrate settings. Industry and government both have a role to play in overcoming these barriers.
- The roadmap can helpfully inform regulatory measures under the Online Safety Act (OSA) and inform the OSA review, including enforcement lessons learned from other jurisdictions’ implementation of age assurance requirements.
- If a pilot is supported, it should be a cross-government initiative led by an appropriate agency. Following evaluation, if age assurance is mandated, providers should be subject to accreditation and oversight, particularly in relation to their privacy and security. Developments in relation to Australia’s Digital Identity

System and Privacy Act review will be relevant, as will a number of other related inquiries, plans, strategies and initiatives at both state and federal levels.

7. More detailed information and the list of recommendations can be found in the roadmap at **Attachment A**. A background report setting out the full evidence base, methodology and analysis is being finalised by eSafety.
8. In considering these findings and recommendations, eSafety recommends the government consider a graduated, phased approach to implementing the recommendations contained in the roadmap, taking into account broader government initiatives.

Risks and sensitivities

9. Our recommendations do not propose to introduce a prescriptive mandatory age verification regime within the short to medium term. Our analysis shows that mandating the use of specific age verification technologies within Australia without further testing and evaluation and the maturation of the broader environment carries substantial risk. The pilot proposal would not preclude services from implementing and improving age assurance practices in the meantime, and services would still be expected and/or required to do so in compliance with the Basic Online Safety Expectations, the Restricted Access System Declaration and the second phase of industry codes or standards. Clear communication between both the public and industry audience will be required on this point.



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

To: The Hon Michelle Rowland MP, Minister for Communications (for decision)

Subject: The eSafety Commissioner's Roadmap for Age Verification

Critical Date: Public release on or around 30 April will allow the media release to anticipate a funding announcement in the 2023-24 Budget.

Recommendation/s:

1. That you **sign** the letter to the eSafety Commissioner (**Attachment A**), thanking her for delivering the Roadmap for Age Verification (the Roadmap) (at **Attachment B**).
Signed / Not Signed
2. That you **agree** to publishing the Roadmap (**Attachment B**) on the Department's website.
Agreed / Not Agreed
3. That you **agree** to publish a media release (**Attachment C**) that announces the publishing of the Roadmap, supports a number of the recommendations, and signals the Government's intention to await the outcomes of ongoing work before considering recommendations for a pilot program.
Agreed / Not Agreed

The Hon Michelle Rowland MP

Date:

Comments:

Key Points:

1. On 31 March 2023, the eSafety Commissioner delivered to you eSafety's Roadmap for Age Verification (the Roadmap) (**Attachment B**). The Roadmap acquits a recommendation of the February 2020 House of Representatives Standing Committee on Social Policy and Legal Affairs report, *Protecting the Age of Innocence*, that eSafety prepare a roadmap to implementation of mandatory age verification for online pornography. Advocates concerned about the effects of pornography on children and those concerned with civil liberties await the release of the Roadmap. We recommend releasing it soon to manage expectations that the document recommends the immediate introduction age verification technologies to access pornography.
2. Despite your request of 24 October 2022, (MS22-001930 refers) the Roadmap does not clearly address the Committee's recommendation. Instead, the document explores 'age assurance' – an umbrella term that includes a broader range of age estimation as well as verification technologies. In our assessment, eSafety's AV Roadmap is a missed an opportunity to consider in detail the risks associated with mandating an age assurance regime in Australia.

PROTECTED Cabinet

MS23-000017

3. The Roadmap finds that industry is taking active steps to introduce age assurance, but that age assurance technologies are immature and cannot solve the issue of children's exposure to pornography alone. It makes six recommendations to government including complimentary activities to address children's exposure to online pornography.

4. We recommend you support recommendations 1, 3(a), 4, and 5 because in our view, eSafety will be able to deliver these following your success in securing ongoing funding, should it choose to do so. We also recommend you support recommendation 6, noting that its activities are already being delivered by the Department of Education.

5. We propose that you seek further information from the eSafety Commissioner about recommendation 3(b) to establish an Online Safety Tech Centre, given there is no supporting policy analysis in the Roadmap, and seek advice about whether the proposed activities of the centre could be delivered within eSafety's ongoing funding profile. We have included this request to the eSafety Commissioner at **Attachment A**.

6. Finally, in recommendation 2, eSafety proposes the development, implementation and evaluation of a pilot before seeking to prescribe and mandate age assurance technologies for access to online pornography. Our concerns with the Roadmap's recommendation for a pilot of age assurance technologies are set out at **Attachment D**. In our view you should consider this proposal following the completion of other work currently underway to address children's access to pornography – in particular the Class 2 codes process due to commence this year. This will allow industry the opportunity to lead the implementation of technical solutions to prevent children from accessing online pornography, including age assurance, without fearing a Government mandated requirement will be imposed in the short term.

Financial impacts: N/A

Legal/Legislative impacts: N/A

Consultation: The Roadmap's appendix includes a list of consultation participants.

Media Opportunities: Though you are not obliged to do so, publication of the Roadmap and a media release **Attachment C** will provide clarity to stakeholders.

Attachments:

s22(1)(a)(ii)

Attachment D: Further assessment

Cleared By: Bridget Gannon
 Position: Assistant Secretary
 Division: Online Safety, Media and Platforms
 Mob: s22(1)(a)(ii)

Cleared Date: 21/04/2023

Instructions for MPS: N/A

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, Richard Windeyer, Pauline Sullivan, Bridget Gannon, s22(1)(a)(ii), s22(1)(a)(ii) Shervin Rafizadeh.

Contact Officer: s22(1)(a)(ii)
 Section: Projects and Implementation
 Ph: (02) 6271 s22(1)(a)(ii)
 Mob: s22(1)(a)(ii)

PROTECTED Cabinet



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

To: The Hon Michelle Rowland MP, Minister for Communications (for decision)

Subject: The eSafety Commissioner's Roadmap for Age Verification

Critical Date: Your action of this submission by **Friday 16 June** will provide the Prime Minister and the Minister for Education 2 weeks to approve the Roadmap, allowing us to publish it within three months of receipt from eSafety (30 June).

Recommendations:

1. That you **agree** to the Government response at **Attachment A** to eSafety's Roadmap for Age Verification (**Attachment G**) saying that the Government:
 - will not mandate age assurance technologies as they are not sufficiently advanced;
 - has funded eSafety to deliver a number of the Roadmap's recommendations;
 - will ask the eSafety Commissioner to focus on implementing elements of the *Online Safety Act 2021* (OSA) that address children's access to pornography; and
 - will publish the Roadmap on the Department's website along with the media release at **Attachment E**.

Agreed / Not Agreed

2. That you **sign** the letters to the Minister for Education (**Attachment B**) and then the Prime Minister (**Attachment C**) seeking their agreement to the draft government response (recommendation 1 above refers).

Signed / Not Signed

3. Pending the Prime Minister's agreement, that you **sign**, but not yet date, the letter to the eSafety Commissioner (**Attachment D**) asking her to focus on implementing elements of the OSA that addresses pornography including development of class 2 industry codes and the Basic Online Safety Expectations.

Signed / Not Signed

The Hon Michelle Rowland MP Date:

Comments:

Key Points:

1. On 31 March 2023, the eSafety Commissioner delivered to you eSafety's Roadmap for Age Verification (the Roadmap) (**Attachment G**), responding to the 2020 House of Representatives Standing Committee on Social Policy and Legal Affairs report, *Protecting the Age of Innocence*.
2. Rather than providing a roadmap to mandatory age verification, the report focusses on age assurance and makes six recommendations aimed at addressing the harms to children accessing online pornography through research, education and awareness. It also recommends a Safety

Tech Centre (but does not provide detail) and a pilot of age assurance technologies (but does not make clear when this would happen and ^{s47C} [REDACTED])

3. ^{s47C} [REDACTED]

[REDACTED] As such, the government response at **Attachment A** notes that eSafety will address children's access to pornography through implementation of the Online Safety Act (OSA) before it considers the Roadmap's recommendation to 'conduct a pilot to trial age assurance technologies before seeking to mandate age assurance'.

4. Pornography is regulated under the OSA. ^{s47C} [REDACTED]

[REDACTED] Pending the Prime Minister's agreement to the government response, we recommend you write to the eSafety Commissioner asking her to consider expeditiously commencing work on the second tranche of industry codes to address pornography, and to consider using the BOSE to assess the effectiveness of action taken by industry under the codes. The letter to the Commissioner (**Attachment D**) would be a request rather than a formal direction under the OSA and therefore not enforceable.

5. The draft government response (**Attachment A**) addresses the Roadmap's recommendations by explaining how the Government has funded eSafety to deliver the recommendations regarding research, education and awareness as part of eSafety's base funding in the 2023-24 Budget. It notes that work is already underway in the education portfolio to deliver the recommendation considering consent education. It undertakes to consider a Safety Tech Centre on receipt of advice from eSafety, and a pilot of age assurance technology following implementation of industry codes. It also notes that pornography is already regulated under the OSA and makes clear that you have encouraged the eSafety Commissioner to use the existing code making and BOSE powers under the OSA.

6. ^{s47C} [REDACTED]

Financial impacts: N/A

Legal/Legislative impacts: N/A

Consultation: The Roadmap's appendix includes a list of consultation participants.

Media Opportunities: media release announcing government response attached.

Attachments:

Attachment A – Government response

Attachment B – ^{s22(1)(a)(ii)} [REDACTED]

Attachment C – [REDACTED]

Attachment D – [REDACTED]

Attachment E – [REDACTED]

Attachment F – [REDACTED]

Attachment G – Roadmap for Age Verification

Attachment H – ^{s22(1)(a)(ii)} [REDACTED]

Cleared By: Bridget Gannon
Position: Assistant Secretary
Division: Online Safety, Media and Platforms
Mob: s22(1)(a)(ii)
Cleared Date: 21/04/2023

Contact Officer: s22(1)(a)(ii)
Section: Projects and Implementation
Ph: (02) 6271 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

Instructions for MPS: N/A

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, Richard Windeyer, Pauline Sullivan, Bridget Gannon, s22(1)(a)(ii)
Shervin Rafizadeh.

Australian Government response to Roadmap for Age Verification

June 2023

Introduction

This is the Australian Government's response to the Roadmap for Age Verification (the Roadmap), which was developed by the eSafety Commissioner (eSafety) and delivered to Government on 31 March 2023.

The Roadmap acquits a key recommendation in the February 2020 House of Representatives Standing Committee on Social Policy and Legal Affairs report, *Protecting the Age of Innocence*. It makes six recommendations for Government reflecting the multifaceted response needed to address the harms associated with Australian children accessing pornography. This Government response addresses these recommendations, and sets out the Government's intended approach to this issue more broadly.

Children should not be able to access online pornography

Pornography is harmful to children who are not equipped to understand its contents and context, and they should be protected from exposure to it online. Concerningly, a survey by the Australian Institute of Family Studies found that 44 per cent of children between the ages of 9-16 were exposed to sexual images within the previous month.

Pornography is legal in Australia and is regulated under the *Online Safety Act 2021*. Research also shows that most Australian adults have accessed online pornography. A 2020 survey by the CSIRO found that 60 per cent of adults had viewed pornography.

The Roadmap finds there is no 'silver bullet' solution that is effective while balancing privacy, security, implementation and enforcement risks

'Age verification' describes measures which could determine a person's age to a high level of accuracy, such as by using physical or digital government identity documents. However, the Roadmap examines the use of broader 'age assurance' technologies which include measures that perform 'age estimation' functions. The Roadmap notes action already underway by industry to introduce and improve age assurance and finds that the market for age assurance products is immature, but developing.

It is clear from the Roadmap that at present, each type of age verification or age assurance technology comes with its own privacy, security, effectiveness and implementation issues.

For age assurance to be effective, it must:

- reliably work without circumvention;
- be comprehensively implemented, including where pornography is hosted outside of Australia's jurisdiction; and
- balance privacy and security, without introducing risks to the sensitive personal information of adults who choose to access legal pornography.

Age assurance cannot yet meet these requirements. While industry is taking steps to develop age assurance technologies, the Roadmap finds that the age assurance market is, at this time, immature. There is not yet a 'silver bullet' to deal with this problem.

The Government is not afraid to take the tough decisions needed to protect Australian children from exposure to harmful online content and pornography. The Roadmap makes clear that a decision to mandate age assurance is not ready to be taken.

The Government is focused on implementing the Online Safety Act which regulates access to pornography

The Roadmap acknowledges that pornography is readily available through websites hosted offshore and also through a wide range of digital platforms accessed by children.

Absent of a 'silver bullet' to deal with this issue, industry needs to continue to develop technological solutions that are 'fit for purpose' for their users. The Government and the *Online Safety Act 2021* will require them to do more and will hold them to account.

The Online Safety Act requires the digital industry to develop new and strengthened industry codes to keep children safe from harmful online content. The effective implementation of the Act is a priority of the Albanese Government, including the creation of new and strengthened industry codes to keep Australians safe online.

- The eSafety Commissioner started the codes process by working with sections of the digital industry to address 'class 1' content. Class 1 content is content that would likely be refused classification in Australia and includes terrorism and child sexual exploitation material. On 1 June 2023, the eSafety Commissioner agreed to register five industry codes covering hosting services, equipment providers, Internet Service Providers, app providers and social media services because they provided an appropriate increase in community safeguards. The remaining industry sectors will be required to either resubmit new, stronger codes for assessment, or be subject to an industry standard prepared by eSafety.

Work on industry codes to date has focused on terrorism and child sexual exploitation material. However, section 138(3) of the Act outlines examples of matters that may be dealt with by industry codes and industry standards, and includes:

- procedures directed towards the achievement of the objective of ensuring that customers have the option of subscribing to a filtered internet carriage service;
- giving end-users information about the availability, use and appropriate application of online content filtering software; and
- providing end-users with access to technological solutions to help them limit access to class 1 material and class 2 material.

The next phase of the industry codes process will address 'class 2' content. Class 2 content is content that is legal, but not appropriate for children, such as pornography. The Minister for

Communications has written to the eSafety Commissioner asking that work on the second tranche of codes commence.

The Government also notes that the *Online Safety Act 2021* sets out Basic Online Safety Expectations (BOSE) for the digital industry and empowers the eSafety Commissioner to require industry to report on what it is doing to address these expectations.

A core expectation, set out in section 46(1)(d) of the Online Safety Act, is that providers ‘...will take reasonable steps to ensure that technological and other measures are in effect to prevent access by children to class 2 material provided on the service’. The *Online Safety (Basic Online Safety Expectations) Determination 2022* also provides examples of ‘reasonable steps’ that industry could take to meet this expectation, including ‘implementing age assurance mechanisms.’

The Government notes the Commissioner is able to require online services to report on how they are meeting the Expectations. Noting the independence of the eSafety Commissioner’s regulatory decision-making processes, the Government would welcome the further use of these powers and the transparency that they bring to industry efforts to improve safety for Australians, and to measure the effectiveness of industry codes.

The Government notes the Roadmap recommends a pilot of age assurance technologies. The Government is concerned that a pilot could distract the digital industry’s work to deliver new and strengthened codes. The Government will await the outcomes of the Class 2 industry codes process, before considering if, and how, a trial of age assurance technologies would be conducted.

As technology advances, age assurance or verification processes that could be effectively implemented while preserving Australians’ privacy and security, may emerge. The Roadmap describes how a number of online services are now trialing or introducing age assurance measures. The Governments of France, Germany and the UK are considering or implementing age assurance requirements and intergovernmental collaborative networks and accreditation frameworks are being developed. The Government will continue to monitor the implementation and effectiveness of global and industry developments to inform our efforts in the future.

Families may feel overwhelmed, but they are not powerless and they are not alone

While the Government and our online safety regulator will continue working with industry on this problem, technological solutions are already available to prevent children accessing pornography online.

The eSafety Commissioner works closely with Communications Alliance – an industry body representing the communications sector – to provide the Family Friendly Filter program. Under this program, internet filtering products undergo rigorous independent testing for effectiveness, ease of use, configurability and availability of support prior to certification as a Family Friendly Filter. Filter providers must also agree to update their products as required by eSafety, for example where eSafety determines, following a complaint, that a specified site is prohibited under Australian law. Communications Alliance maintains a list and access details of certified filters at:

www.commsalliance.com.au/Activities/ispi/fff where they can be accessed by those caring for children.

The Government supports the eSafety Commissioner’s work and considerable achievements in developing practical advice for parents, carers, educators and the community about safety technologies. These products include online resources such as fact sheets, advice and referral information and regular interactive webinars. These resources are freely available through the eSafety Commissioner’s website at: www.eSafety.gov.au.

The Roadmap recommends that the Government:

- conduct new and specialist research on pornography and its impacts on children;
- develop new, evidence-based resources about online pornography for educators, parents and children; and
- develop industry guidance products and further work to identify barriers to the uptake of safety technologies such as internet filters and parental controls.

The Government supports these recommendations. In the 2023-24 Budget the Government provided eSafety with an additional \$132.1 million over four years to improve online safety, increasing base funding from \$10.3 million to \$42.5 million per year. This ongoing and indexed funding provides Australia's online safety regulator with funding certainty, allowing long term operational planning and regulatory processes. In the Government's view, this funding envelope will allow the eSafety Commissioner to continue this important work.

The Roadmap also recommends development of a mechanism for greater national coordination and collaboration of respectful relationship education. Through the Consent and Respectful Relationships Education (CRRE) commitment of \$83.5 million over 6 years (2022-23 to 2027-28), the Australian Government is working with states, territories, the non-government school sector and experts through a National Respectful Relationships Education Expert Working Group (Expert Group) to support the delivery of age-appropriate, evidence-based respectful relationships education, aligned to the Australian Curriculum. The Expert Group will also provide guidance on a rapid review on the delivery of CRRE, identifying gaps and opportunities, and also support the development of a national framework to guide schools in delivering high quality CRRE.

The Roadmap proposes the establishment of an Online Safety Tech Centre to support parents, carers and others to understand and apply safety technologies that work best for them. The Government has sought further advice from the eSafety Commissioner about this proposal to inform further consideration.

The first duty of any Government is to protect its citizens from harm – a duty that also applies to the online world. In the modern digital environment where children are growing up with unfettered access to technology, protecting them from exposure to online pornography is a complex task. Any protections must be proportionate to the level of harm, and respect the rights of citizens to privacy and security. Protections must also be effective and enforceable. Australia has a strong track record in measured, targeted action in response to online harms which has included the establishment of the world's first eSafety Commissioner and legislating dedicated schemes to protect Australians from a range of online harms. The Australian Government is focused on the additional work needed to successfully implement the Online Safety Act, in particular the much needed 'step up' by the digital industry to protect Australian children from exposure to online pornography. The Government will continue to monitor these efforts closely. The Government thanks the eSafety Commissioner and all those who have contributed to the Roadmap for Age Verification.

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 15 June 2023 8:12 AM
To: s22(1)(a)(ii)
Subject: RE: Age Verification Submission [SEC=OFFICIAL]

OFFICIAL

My initial read on this is it still needs work – would be good to regroup today if possible so if we have to ask department to revise we can get on to them soon.

OFFICIAL

From: s22(1)(a)(ii)
Sent: Thursday, 15 June 2023 8:02 AM
To: s22(1)(a)(ii)
Subject: FW: Age Verification Submission [SEC=OFFICIAL]

OFFICIAL

Hi both – AV Roadmap proposed response from the department is attached. I will review today, let me know if you have a chance to review and have thoughts. The key thing will be Att A, the Government response.

s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@INFRASTRUCTURE.gov.au](mailto:s22(1)(a)(ii)@INFRASTRUCTURE.gov.au)>
Sent: Wednesday, 14 June 2023 6:05 PM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@MO.Communications.gov.au](mailto:s22(1)(a)(ii)@MO.Communications.gov.au)>
Cc: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@COMMUNICATIONS.gov.au](mailto:s22(1)(a)(ii)@COMMUNICATIONS.gov.au)>
Subject: Age Verification Submission [SEC=OFFICIAL]

OFFICIAL

Dear s22(1)(a)(ii)

As flagged – we’ll send up via PDMS but for speed, here’s the package.

Cheers!

s22(1)(a)(ii)

Director • Projects & Implementation / Online Safety Branch • Online Safety, Media and Platforms Division

s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>

P (02) 6271 s22(1)(a) • M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

Released under the Freedom of Information Act 1982 by the Minister for Communications

infrastructure.gov.au



I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respect to Elders past and present and to all Aboriginal and Torres Strait Islanders

OFFICIAL

s22(1)(a)(ii)

From: s22(1)(a)(ii) @MO.Communications.gov.au>
Sent: Wednesday, 12 July 2023 5:47 PM
To: s22(1)(a)(ii)
Subject: AV Roadmap - new dept input + my edits [SEC=PROTECTED, CAVEAT=SH:CABINET]
Attachments: AV Roadmap - updated government response - IB 2.docx; MS23-003648 - AV Roadmap brief 1.docx; MS23-003828 - AV Roadmap brief 2.docx; FINAL_AV Roadmap Design_V10.pdf

PROTECTED, SH:CABINET

Hi s22(1)(a)(ii)

See attached the updated AV Roadmap response, along with the two covering briefs the dept has done (one from June, the second from July).

In the response itself there's a big chunk of additional departmental input, including from DSS on the National Plan and further detail on what the codes process will involve. I've gone through and made edits, mostly focused on clarifying / sequencing / contextualising. I've left my changes in track, but it's a bit messy so you may just want to accept them. I've also left a couple of placeholders where we may need to seek additional info from Rishworth's office or department.

I also spoke with s47F in the AGO today and flagged the AV Roadmap with her, and she was comfortable including reference to the Children's Online Privacy Code which was proposed in the [Privacy Act Review](#) (from p.152), and is expected to be agreed as part of the Govt response, so we can also try to put in reference to that work. s47C

[Redacted]

[Redacted]

Would be great to have a chat about this tomorrow if you have a chance to review, so we can get the department to review the changes and seek any additional input from DSS/AGD. Once the Minister is happy, she will need to write to Ministers Rishworth and Clare to seek their agreement, and to PM to get agreement to its release.

s22(1)(a)(ii)

s22(1)(a)(ii) | **Adviser**
 Office of the Hon Michelle Rowland MP
 Minister for Communications
 Federal Member for Greenway

Suite M1.41 Parliament House, Canberra
M: + 61 s22(1)(a)(ii)
E: s22(1)(a)(ii) @mo.communications.gov.au



PROTECTED, SH:CABINET

Government response to the Roadmap for Age Verification

~~July 2022~~ July 2023

Note: New content is highlighted in yellow.

Introduction

This is the Australian Government's response to the Roadmap for Age Verification (the Roadmap), which was developed by the eSafety Commissioner (eSafety) and delivered to Government on 31 March 2023.

The Roadmap acquits a key recommendation in the February 2020 House of Representatives Standing Committee on Social Policy and Legal Affairs (the Committee) report, *Protecting the Age of Innocence (the report)*, which recommended that the Australian Government direct and adequately resource the eSafety Commissioner to expeditiously develop and publish a roadmap for the implementation of a regime of mandatory age verification for online pornographic material. The Government response to the report, released June 2021, supported the recommendation and noted that the roadmap would be based on 'detailed research as to if and how a mandatory age verification mechanism or similar could practically be achieved in Australia'.

–The Roadmap makes six recommendations for Government, reflecting the multifaceted response needed to address the harms associated with Australian children accessing pornography. This Government response addresses these recommendations, and sets out the Government's **intended** approach to this issue more broadly.

Children should not be able to access online pornography

Pornography is legal in Australia and is regulated under the *Online Safety Act 2021*. Research **also** shows that most Australian adults have accessed online pornography, with a 2020 survey by the CSIRO ~~found~~ finding that 60 per cent of adults had viewed pornography.

However, pornography is harmful to children who are not equipped to understand its contents and context, and they should be protected from exposure to it online. Concerningly, a 2017 survey by the Australian Institute of Family Studies found that 44 per cent of children between the ages of 9-16 were exposed to sexual images within the previous month.

s47C

The Roadmap acknowledges that pornography is readily available through websites hosted offshore and also through a wide range of digital platforms accessed by children.

s47C

Formatted: Font: Italic

The Roadmap finds there is currently no technical solution to implement mandatory age verification ~~no 'silver bullet' solution that is effective~~ while balancing the privacy, security, implementation and enforcement risks

'Age verification' describes measures which could determine a person's age to a high level of accuracy, such as by using ~~physical or digital~~ official government identity documents. However, the Roadmap examines the use of broader 'age assurance' technologies which include measures that perform 'age estimation' functions. The Roadmap notes action already underway by industry to introduce and improve age assurance and finds that the market for age assurance products is immature, but developing.

It is clear from the Roadmap that at present, each type of age verification or age assurance technology comes with its own privacy, security, effectiveness and implementation issues.

For age assurance to be effective, it must:

- work reliably without circumvention;
- be comprehensively implemented, including where pornography is hosted outside of Australia's jurisdiction; and
- balance privacy and security, without introducing risks to the sensitive personal information of adults who choose to access legal pornography.

Age assurance technologies cannot yet meet all these requirements. While industry is taking steps to further develop ~~age assurance~~ these technologies, the Roadmap finds that the age assurance market is, at this time, immature. ~~There is not yet a 'silver bullet' to deal with this problem.~~

~~The Government is not afraid to take the tough decisions needed to protect Australian children from exposure to harmful online content and pornography.~~ The Roadmap makes clear that a decision to mandate age assurance is not ready to be taken. Absent of a 'silver bullet' to deal with this issue, industry needs to continue to develop technological solutions that are 'fit for purpose' for their users. The Government will require them industry to do more and will hold them to account.

The Government is focused on implementing the Online Safety Act which regulates access to pornography

Development of ^{s47C}

The Roadmap was first ~~commissioned~~ recommended by ~~Government~~ the Committee in February 2020. Since then, the Australian Government has delivered major regulatory reform ~~of to our~~ online safety framework. On 23 July 2021, Parliament passed the Online Safety Bill, with bipartisan support, and on 23 January 2022, the *Online Safety Act 2021* commenced.

The *Online Safety Act 2021* sets out a world-leading framework comprising complaints-based schemes to respond to individual pieces of content, mechanisms to require increased transparency around industry's efforts to support user safety, and mandatory and enforceable industry codes to

establish a baseline for what the digital industry needs to do to address restricted and seriously harmful content and activity.

Government will require new industry codes

The effective implementation of the Act is a priority of the Albanese Government, including the creation of new and strengthened industry codes to keep Australians safe online. The industry codes outline steps the online industry must take to limit access or exposure to, and distribution and storage of certain types of harmful online content. The eSafety Commissioner can move to an enforceable industry standard if she concludes that the codes developed by industry do not provide appropriate community safeguards.

s47C

The codes are being developed in two phases, the first phase addressing ~~The eSafety Commissioner started the industry codes process by working with sections of the digital industry to address~~ 'class 1' content, which is ~~Class 1 content is~~ content that would likely be refused classification in Australia and includes terrorism and child sexual exploitation material. The second phase of the industry codes will address 'class 2' content, which is content that is legal but not appropriate for children, such as pornography.

• The codes and standards can apply to eight key sections of the online industry s47C
which are set out in the Online Safety Act:

- social media services (e.g. Facebook, Instagram, TikTok);
- s47C
- the Relevant Electronic Services Code (for relevant electronic services e.g., services used for messaging (including SMS and MMS) services, email, video communications, and online gaming services (e.g. Gmail, WhatsApp, services);
- the Designated Internet Services Code (for designated internet services that includes websites and end-user online storage and sharing services (e.g. Dropbox, Google Drive);
- internet search engine services (e.g. Google Search, Microsoft Bing);
- app distribution services used to download apps (e.g. Apple IOS and Google Play stores);
- hosting services (e.g. Amazon Web Services, NetDC);
- internet carriage services (e.g. Telstra, iiNet, Optus, TPG Telecom, Aussie Broadband); and
- manufacturers and suppliers of any equipment that connects to the internet, and those who maintain and install it (e.g. of modems, smart televisions, phones, tablets, smart home devices, e-readers etc).

Online safety codes – Phase 1

Work on the first phase of codes commenced in XX and o On 1 June 2023, the eSafety Commissioner agreed to register five of the codes that were drafted by industry. The eSafety Commissioner has found that these codes provide appropriate community safeguards in relation to creating and maintaining a safe online environment for end-users, empowering people to manage access and

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: Italic

exposure to class 1 material and strengthen transparency of and accountability for class 1 material codes covering the following online sections:

s47C

s47C



s47C

The steps that industry must take under these new industry codes include, for example:

- requirement for providers under the Social Media Services Code, including Meta, TikTok and Twitter, to remove child sexual exploitation material and pro-terror material within 24 hours of it being identified and take enforcement action against those distributing such material, including terminating accounts and preventing the creation of further accounts; and
- requirement for providers under the Internet Carriage Service Providers Code, including Telstra, iiNet and Optus, to ensure Australian end-users are advised on how to limit access to class 1 material by providing easily accessible information available on filtering products, including through the Family Friendly Filter program, at or close to the time of sale.

s47C



These registered codes will become enforceable by eSafety when they come into effect on 16 December 2023.

The eSafety Commissioner requested that industry revise the Search Engine Services Code, to ensure it accounts for recent developments in the adoption of generative AI, and made the decision not to register two online safety codes drafted by the online industry (the Relevant Electronic Services Code and Designated Internet Services Code). The eSafety Commissioner found that these two codes fail to provide appropriate community safeguards in relation to matters that are of substantial relevance to the community. For these sections of industry, eSafety will now move to develop mandatory and enforceable industry standards.

These registered codes, including all of the steps industry are now required to take, are available at eSafety's website:

www.esafety.gov.au/industry/codes/register-online-industry-codes-standards.

s47C



Formatted: Space Before: 8 pt, After: 4 pt, Don't hyphenate

Formatted: No bullets or numbering

s47C
[Redacted]

The s47C [Redacted] -next phase of the industry codes process will address 'class 2' content. Class 2 content is content that is legal, but not appropriate for children, such as pornography.

While the exact content of the codes will be subject to the codes development process, s47C [Redacted]

Section 138(3) of the *Online Safety Act 2021* outlines examples of matters that may be dealt with by industry codes and industry standards, and includes:

- procedures directed towards the achievement of the objective of ensuring that online accounts are not provided to children without the consent of a parent or responsible adult;
- procedures directed towards the achievement of the objective of ensuring that customers have the option of subscribing to a filtered internet carriage service;
- giving end-users information about the availability, use and appropriate application of online content filtering software;
- providing end-users with access to technological solutions to help them limit access to class 1 material and class 2 material;
- providing end-users with advice on how to limit access to class 1 material and class 2 material;
- action to be taken to assist in the development and implementation of online content filtering technologies; and
- giving parents and responsible adults information about how to supervise and control children's access to material.

Under this next codes process, the eSafety Commissioner can request that industry develop new and strengthened codes to address class 2 content including pornography, or move to an enforceable industry standard if she concludes that codes do not provide appropriate community safeguards. The codes and standards can apply to eight key sections of the online industry, including providers of social media, messaging, search engine and app distribution services, as well as internet and hosting service providers, manufacturers and suppliers of equipment used to access online services and those that install and maintain the equipment.

The Government notes the Roadmap recommends a pilot of age assurance technologies. The Given the anticipated scope of the class 2 industry codes, this process will necessarily inform a potential pilot of age assurance technologies. In light of the importance of this work, the Minister for Communications has written to the eSafety Commissioner asking that work on the second tranche of codes commence [as a matter of urgency]. s47C [Redacted]

The Government will await the outcomes of the class 2 industry codes process, before considering if, and how, a trial of age assurance technologies would be conducted.



Government will lift industry transparency

The Government also notes that the *Online Safety Act 2021* sets out Basic Online Safety Expectations (BOSE) for the digital industry and empowers the eSafety Commissioner to require industry to report on what it is doing to address these expectations.

A core expectation, set out in section 46(1)(d) of the *Online Safety Act 2021*, is that providers ‘...will take reasonable steps to ensure that technological and other measures are in effect to prevent access by children to class 2 material provided on the service’. The *Online Safety (Basic Online Safety Expectations) Determination 2022* also provides examples of ‘reasonable steps’ that industry could take to meet this expectation, which includes ‘implementing age assurance mechanisms.’

The Government notes that the Commissioner is able to require online services to report on how they are meeting the BOSE. Noting the independence of the eSafety Commissioner’s regulatory decision-making processes, the Government would welcome the further use of these powers and the transparency that they bring to industry efforts to improve safety for Australians, and to measure the effectiveness of industry codes.

The Government has also committed to bring forward the independent statutory review of the Online Safety Act, which will be completed in this term of government. With the online environment constantly changing, an early review will ensure Australia’s legislative framework remains responsive to online harms and that the eSafety can continue to keep Australians safe from harm.

We are monitoring international developments

As technology advances, age assurance or verification processes that could be effectively implemented while preserving Australians’ privacy and security, may emerge. The Roadmap describes how a number of online services are now trialing or introducing age assurance measures. A number of overseas governments, including of France, Germany, the UK, Utah and Louisiana, are considering or implementing age assurance requirements and intergovernmental collaborative networks and accreditation frameworks are being developed. The Government will continue to monitor the implementation and effectiveness of global and industry developments to inform our efforts in the future, and it is anticipated they will be considered as part of the statutory review of the Online Safety Act, which is expected to commence in 2024.

Families may feel overwhelmed, but they are not powerless and they are not alone

While the Government and our online safety regulator will continue working with industry on this problem, challenge, technological solutions, tools are already available to prevent children accessing pornography online.

The eSafety Commissioner works closely with Communications Alliance – an industry body representing the communications sector – to provide the Family Friendly Filter program. Under this program, internet filtering products undergo rigorous independent testing for effectiveness, ease of use, configurability and availability of support prior to certification as a Family Friendly Filter. Filter providers must also agree to update their products as required by eSafety, for example where eSafety determines, following a complaint, that a specified site is prohibited under Australian law.

Communications Alliance maintains a list and access details of certified filters at: www.commsalliance.com.au/Activities/ispi/fff where they can be accessed by those caring for children.

The Government supports the eSafety Commissioner’s work and considerable achievements in developing practical advice for parents, carers, educators and the community about safety

technologies. These products include online resources such as fact sheets, advice and referral information, and regular interactive webinars. These resources are freely available through the eSafety Commissioner's website at: www.eSafety.gov.au.

s47C

The Roadmap proposes the establishment of an Online Safety Tech Centre to support parents, carers and others to understand and apply safety technologies that work best for them. The Government has sought further advice from the eSafety Commissioner about this proposal to inform further consideration.

The Roadmap also recommends that the Government:

- fund eSafety to s47C
- develop new, evidence-based resources about online pornography for educators, parents and children; and
- develop industry guidance products and further work to identify barriers to the uptake of safety technologies such as internet filters and parental controls.

The Government supports these recommendations. In the 2023-24 Budget the Government provided eSafety with an additional \$132.1 million over four years to improve online safety, increasing base funding from \$10.3 million to \$42.5 million per year. This ongoing and indexed funding provides Australia's online safety regulator with funding certainty, allowing long term operational planning, more resourcing for its and regulatory processes, and to increase education and outreach. This funding envelope will allow the eSafety Commissioner to continue this important work.

~~The Roadmap proposes the establishment of an Online Safety Tech Centre to support parents, carers and others to understand and apply safety technologies that work best for them. The Government has sought further advice from the eSafety Commissioner about this proposal to inform further consideration.~~

Government is addressing the harms that can result from children's exposure to pornography

The Roadmap notes that age-appropriate, inclusive, evidence-based, and stigma-free education about online pornography and the related topics of online safety, sexuality, consent, and respectful relationships are integral to addressing the harms associated with online pornography.

The Roadmap recommends development of a mechanism for greater national coordination and collaboration of respectful relationship education. The Australian Government supports this recommendation. Through the Consent and Respectful Relationships Education (CRRE) commitment of \$83.5 million over 6 years (2022-23 to 2027-28), the Australian Government is working with states, territories, the non-government school sector and experts through a National Respectful Relationships Education Expert Working Group (Expert Group) to support the delivery of age-appropriate, evidence-based respectful relationships education, aligned to the Australian Curriculum. The Expert Group will also provide guidance on a rapid review on the delivery of CRRE, identifying gaps and opportunities, and also support the development of a national framework to guide schools in delivering high quality CRRE.

The Government is also committed to coordination and collaboration through the National Plan to End Violence against Women and Children 2022-2023 (the National Plan). The National Plan acknowledges that the relationship between viewing pornographic content and violence is complicated. It notes that pornographic content that showcases violence and a lack of consent, could be linked to a young person's attitudes and beliefs about sex, intimacy, consent, and gender-

Formatted: Font: Italic

roles in relationships. The Commonwealth and all states and territories - along with victim-survivors, experts, frontline services and other stakeholders – have contributed to the National Plan, which provides the blueprint to end gender-based violence in a generation.

In its last two Budgets, the Australian Government has made a \$2.3 billion investment in women's safety including to support implementation of the National Plan. This includes committing

Formatted: Space After: 6 pt

~~Under the National Plan, the Australian Government has committed~~ \$39.9 million to develop a new national prevention campaign on consent and respectful relationships. The consent campaign aims to prevent sexual violence by supporting adult influencers to help young people to develop positive attitudes and behaviours around consent. The first phase is expected to encourage adults to have conversations on consent and healthy relationships with each other, followed by sharing this understanding with young people (phase 2). This campaign is under development and is subject to Government approvals.

~~In the 2023-23 Budget,~~ ~~the~~ Government also committed \$3.8 million under the National Plan to support Teach Us Consent to curate, develop and distribute social media resources on consent for young people aged 16 and over, and develop a youth advisory group. The program is expected to improve the attitudes and understanding of young people about consent, their capacity to have conversations about consent, and ultimately, to reduce sexual violence. The youth-led expert advisory group is expected to provide advice about what works when engaging young people on consent and sexual violence prevention.

Further, the 2022-23 Budget included \$100.4 million over 5 years (GST exclusive) to continue supporting Our Watch to deliver on key priorities of the National Plan, and continue existing successful initiatives for the primary prevention of violence against women and children. Through the Primary Prevention Activities program, Our Watch is funded to deliver The Line - a primary prevention social marketing campaign, designed to encourage adolescents and young adults aged 14 plus years to engage with age appropriate and evidence based information that educates on: consent; dating; respectful relationships; masculinity; sex; emotions; and pornography. The Line also provides resources for Educators and practitioners and parents and carers.

In addition, under the National Plan, the Government has funded eSafety:

- \$10.0 million for the Preventing Tech-Based Abuse of Women Grants Program to develop primary prevention initiatives that address the drivers of technology-facilitated gender-based violence;
- \$16.6 million to develop a Technology-Facilitated Abuse Support Service for victim-survivors and their frontline service staff;
- to deliver training and capacity building of frontline workers and other key cohorts to recognise and respond to technology-facilitated family, domestic and sexual violence;
- to deliver the eSafety Kids and TFA Program to raise awareness about how technology-facilitated abuse affects young people; and
- to work in formal partnership with Aboriginal and Torres Strait Islander peoples to ensure policies and services are culturally competent, strengths-based and trauma informed and meet the needs of Aboriginal and Torres Strait Islander peoples and communities.

We are investing in research and building the evidence base

Formatted: Font: Bold

The Roadmap notes that the evidence around the potential impacts of online pornography on children is complex and conflicting, and recommends that the Government conduct new and specialist research in this area. This includes looking at the attitudes towards and impacts of online pornography on at-risk groups, particularly those who are underrepresented in the existing literature.

s47C

The Government supports this recommendation. Australia's National Research Organisation for Women's Safety (ANROWS) was established as an initiative of Australia's first National Plan to Reduce Violence Against Women and their Children 2010-2022, and their primary function is to build the evidence base that supports ending violence against women and children in Australia. The October 2022-23 Women's Safety Budget confirmed funding of \$23.3 million over 5 years from 2022-23 for the ANROWS National priority Research Fund. This additional funding will:

- increase understanding of and responses to address the unique, intersecting and lifelong impacts of violence against certain communities, including Aboriginal and Torres Strait Islander peoples and the LGBTIQ+ community;
- build knowledge and understanding of the factors correlated with men perpetrating violence, including the role of their own lived experience of violence and trauma;
- recognise and address the patterns of behaviour that constitute coercive control, including through increased understandings of non-physical forms of violence and abuse, such as psychological abuse, technology-facilitated and financial abuse; and
- bring sexual violence out of the shadows by recognising barriers to reporting and acknowledging sexual violence as a standalone issue that occurs beyond intimate partner violence.

s47C

The Government has also committed to supporting the eSafety Commissioner's engagement with industry to develop and implement new industry codes and standards to prevent children accessing online pornography, which is included under the National Plan. In addition, under the National Plan, the Government has funded eSafety:

Formatted: Hyphenate

- \$10.0 million for the Preventing Tech-Based Abuse of Women Grants Program to develop primary prevention initiatives that address the drivers of technology facilitated gender-based violence;
- \$16.6 million to develop a Technology Facilitated Abuse Support Service for victim survivors and their frontline service staff;
- to deliver training and capacity building of frontline workers and other key cohorts to recognise and respond to technology facilitated family, domestic and sexual violence;
- to deliver the eSafety Kids and TFA Program to raise awareness about how technology facilitated abuse affects young people; and
- to work in formal partnership with Aboriginal and Torres Strait Islander peoples to ensure policies and services are culturally competent, strengths based and trauma informed and meet the needs of Aboriginal and Torres Strait Islander peoples and communities.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Further, the 2022-23 Budget included \$100.4 million over 5 years (CST exclusive) to continue supporting Our Watch to deliver on key priorities of the National Plan, and continue existing successful initiatives for the primary prevention of violence against women and children. Through the Primary Prevention Activities program, Our Watch is funded to deliver The Line – a primary prevention social marketing campaign, designed to encourage adolescents and young adults aged 14 plus years to engage with age appropriate and evidence based information that educates on consent, dating, respectful relationships, masculinity, sex, emotions, and pornography. The Line also provides resources for Educators and practitioners and parents and carers. **Conclusion**

Formatted: Space Before: 0 pt

The first duty of any Government is to protect its citizens from harm – a duty that also applies to the online world. In the modern digital environment where children are growing up with close access to technology, protecting them from exposure to online pornography is a complex task. Protections must be proportionate to the level of harm and respect the rights of citizens to privacy and security. Protections must also be effective and enforceable.

Australia has a strong track record in measured, targeted action in response to online harms which has included the establishment of the world's first eSafety Commissioner and legislating dedicated schemes to protect Australians from a range of online harms. The Australian Government is focused on the additional ongoing work needed to successfully implement the *Online Safety Act 2021*, in particular the much needed 'step up' by the digital industry to protect Australian children from exposure to online pornography. The Government will continue to monitor these efforts closely.

The Government also takes seriously the need to address the drivers of gendered-based and sexual violence, including the role of online pornography as a potential driver of violence. Under the National Plan, we are working with other governments, businesses and workplaces, media, schools and educational institutions, the family, domestic and sexual violence sector, communities and individuals, to achieve the shared vision of ending gender-based violence in one generation.

The Government thanks the eSafety Commissioner and all those who have contributed to the Roadmap for Age Verification.

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Friday, 14 July 2023 4:10 PM
To: s22(1)(a)(ii)
Subject: AV Roadmap - updated government response - IB 2 ML.docx [SEC=OFFICIAL]
Attachments: AV Roadmap - updated government response - IB 2 ML.docx

OFFICIAL

Another change

OFFICIAL

Government response to the Roadmap for Age Verification

~~July 2022~~ July 2023

s47C

Note: New content is highlighted in yellow.

Introduction

This is the Australian Government's response to the Roadmap for Age Verification (the Roadmap), which was developed by the eSafety Commissioner (eSafety) and delivered to Government on 31 March 2023.

The Roadmap acquires a key recommendation in the February 2020 House of Representatives Standing Committee on Social Policy and Legal Affairs (the Committee) report, *Protecting the Age of Innocence* (the report), which recommended that the Australian Government direct and adequately resource the eSafety Commissioner to expeditiously develop and publish a roadmap for the implementation of a regime of mandatory age verification for online pornographic material. The Government response to the report, released June 2021, supported the recommendation and noted that the roadmap would be based on 'detailed research as to if and how a mandatory age verification mechanism or similar could practically be achieved in Australia'.

–The Roadmap makes ~~six~~ recommendations for Government, reflecting the multifaceted response needed to address the harms associated with Australian children accessing pornography.

This Government response addresses these recommendations, sets out the Government's response to this issue more broadly and outlines where work is already underway through the Online Safety Act addressing some of the issues raised in the work undertaken by E-Safety, noting that since the Roadmap was first recommended, in February 2020. Since then, the Australian Government has delivered major regulatory reform to our online safety framework.

On 23 July 2021, Parliament passed the Online Safety Bill with bipartisan support, and on 23 January 2022, the Online Safety Act 2021 commenced.

~~This Government response addresses these recommendations, and sets out the Government's intended approach to this issue more broadly.~~

The Roadmap highlights concerning evidence that ~~children continue to~~ **children continue to** should not be able to access online pornography

Pornography is legal in Australia and is regulated under the *Online Safety Act 2021*. Research ~~also~~ shows that most Australian adults have accessed online pornography, with a ~~2020 survey by the CSIRO~~ **2020 survey by the CSIRO** ~~found finding~~ that 60 per cent of adults had viewed pornography.

However, pornography is harmful to children who are not equipped to understand its contents and context, and they should be protected from exposure to it online. Concerningly, a 2017 survey by the Australian Institute of Family Studies found that 44 per cent of children between the ages of 9-16 were exposed to sexual images within the previous month.

s47C [Redacted]

Formatted: Font: Italic

The Roadmap acknowledges that pornography is readily available through websites hosted offshore and also through a wide range of digital platforms accessed by children.

Formatted: Font: Italic

The Roadmap finds ~~the inadequate technological solutions to support~~ ~~no is currently no technical solution to implement mandatory age verification~~ ~~no 'silver bullet' solution that is effective while balancing~~ ~~the~~ privacy, security, implementation and enforcement risks

'Age verification' describes measures which could determine a person's age to a high level of accuracy, such as by using ~~physical or digital~~ official government identity documents. However, the Roadmap examines the use of broader 'age assurance' technologies which include measures that perform 'age estimation' functions. The Roadmap notes action already underway by industry to introduce and improve age assurance and finds that the market for age assurance products is immature, but developing.

It is clear from the Roadmap that at present, each type of age verification or age assurance technology comes with its own privacy, security, effectiveness and implementation issues.

For age assurance to be effective, it must:

- work reliably without circumvention;
- be comprehensively implemented, including where pornography is hosted outside of Australia's jurisdiction; and
- balance privacy and security, without introducing risks to the sensitive personal information of adults who choose to access legal pornography.

Age assurance technologies cannot yet meet all these requirements. While industry is taking steps to further develop ~~age assurance~~ these technologies, the Roadmap finds that the age assurance market is, at this time, immature. ~~There is not yet a 'silver bullet' to deal with this problem.~~

~~The Government is not afraid to take the tough decisions needed to protect Australian children from exposure to harmful online content and pornography.~~ The Roadmap makes clear that a decision to mandate age assurance is not ready to be taken.

~~Absent of a 'silver bullet' to deal with this issue~~ Without the technology to support age verification being available in the near term, the industry needs to continue to develop technological solutions that are 'fit for purpose' for their users. The Government will require them industry to do more and will hold them to account.

s47C

The Government is focused on implementing the Online Safety Act which regulates access to pornography

Development of s47C
[Redacted]

The Roadmap was first commissioned recommended by Government the Committee in February 2020. Since then, the Australian Government has delivered major regulatory reform of to our online safety framework. On 23 July 2021, Parliament passed the Online Safety Bill, with bipartisan support, and on 23 January 2022, the Online Safety Act 2021 commenced.

The Online Safety Act 2021 sets out a world-leading framework comprising complaints-based schemes to respond to individual pieces of content, mechanisms to require increased transparency around industry's efforts to support user safety, and mandatory and enforceable industry codes to establish a baseline for what the digital industry needs to do to address restricted and seriously harmful content and activity.

Government will require new industry codes to protect children

The effective implementation of the Online Safety Act is a priority of the Albanese Government, including the creation of new and strengthened industry codes to keep Australians safe online. The industry codes outline steps the online industry must take to limit access or exposure to, and distribution and storage of certain types of harmful online content. The eSafety Commissioner can move to an enforceable industry standard if she concludes that the codes developed by industry do not provide appropriate community safeguards.

s47C
[Redacted]

The codes are being developed in two phases, the first phase addressing The eSafety Commissioner started the industry codes process by working with sections of the digital industry to address 'class 1' content, which is -Class 1 content is content that would likely be refused classification in Australia and includes terrorism and child sexual exploitation material. The second phase of the industry codes will address 'class 2' content, which is content that is legal but not appropriate for children, such as pornography.

• The codes and standards can apply to eight key sections of the online industry s47C
[Redacted] which are set out in the Online Safety Act:

- social media services (e.g. Facebook, Instagram, TikTok); s47C
- the Relevant Electronic Services Code (for relevant electronic services e.g., services used for messaging (including SMS and MMS) services, email, video communications, and online gaming services (e.g. Gmail, WhatsApp, services);

- the Designated Internet Services Code (for designated internet services that includes websites and end-user online storage and sharing services (e.g. Dropbox, Google Drive);
- internet search engine services (e.g. Google Search, Microsoft Bing);
- app distribution services used to download apps (e.g. Apple IOS and Google Play stores);
- hosting services (e.g. Amazon Web Services, NetDC);
- internet carriage services (e.g. Telstra, iiNet, Optus, TPG Telecom, Aussie Broadband); and
- manufacturers and suppliers of any equipment that connects to the internet, and those who maintain and install it (e.g. of modems, smart televisions, phones, tablets, smart home devices, e-readers etc).

s47C

Online safety codes—Phase 1

Work on the first phase of codes commenced in XX and o On 1 June 2023, the eSafety Commissioner agreed to register five of the codes that were drafted by industry. The eSafety Commissioner has found that these codes provide appropriate community safeguards in relation to creating and maintaining a safe online environment for end-users, empowering people to manage access and exposure to class 1 material and strengthen transparency of and accountability for class 1 material.

s47C

s47C The steps that industry must take under these new industry codes include, for example:

- requirement for providers under the Social Media Services Code, including Meta, TikTok and Twitter, to remove child sexual exploitation material and pro-terror material within 24 hours of it being identified and take enforcement action against those distributing such material, including terminating accounts and preventing the creation of further accounts; and
- requirement for providers under the Internet Carriage Service Providers Code, including Telstra, iiNet and Optus, to ensure Australian end-users are advised on how to limit access to class 1 material by providing easily accessible information available on filtering products, including through the Family Friendly Filter program, at or close to the time of sale.

s47C These registered codes will become enforceable by eSafety when they come into effect on 16 December 2023.

The eSafety Commissioner requested that industry revise the Search Engine Services Code, to ensure it accounts for recent developments in the adoption of generative AI, and made the decision not to register two online safety codes drafted by the online industry (the Relevant Electronic Services Code and Designated Internet Services Code). The eSafety Commissioner found that these two codes fail

to provide appropriate community safeguards in relation to matters that are of substantial relevance to the community. For these sections of industry, eSafety will now move to develop mandatory and enforceable industry standards.

These registered codes, including all of the steps industry are now required to take, are available at eSafety's website:

www.esafety.gov.au/industry/codes/register-online-industry-codes-standards.

s47C [Redacted]

s47C [Redacted]

The s47C [Redacted] -next phase of the industry codes process will address [as a priority](#), 'class 2' content. Class 2 content is content that is legal, but not appropriate for children, such as pornography.

~~While the exact content of the codes will be subject to the codes development process~~In terms of the content of the code - which will be subject to a code development process - s47C [Redacted]

Section 138(3) of the *Online Safety Act 2021* outlines examples of matters that may be dealt with by industry codes and industry standards, and includes:

- procedures directed towards the achievement of the objective of ensuring that online accounts are not provided to children without the consent of a parent or responsible adult;
- procedures directed towards the achievement of the objective of ensuring that customers have the option of subscribing to a filtered internet carriage service;
- giving end-users information about the availability, use and appropriate application of online content filtering software;
- providing end-users with access to technological solutions to help them limit access to class 1 material and class 2 material;
- providing end-users with advice on how to limit access to class 1 material and class 2 material;
- action to be taken to assist in the development and implementation of online content filtering technologies; and
- giving parents and responsible adults information about how to supervise and control children's access to material.

Formatted: Space Before: 8 pt, After: 4 pt, Don't hyphenate

Formatted: No bullets or numbering

Under this next codes process, the eSafety Commissioner can request that industry develop new and strengthened codes to address class 2 content including pornography, or move to an enforceable industry standard if she concludes that codes do not provide appropriate community safeguards. The codes and standards can apply to eight key sections of the online industry, including providers of social media, messaging, search engine and app distribution services, as well as internet and hosting service providers, manufacturers and suppliers of equipment used to access online services and those that install and maintain the equipment.

In light of the importance of this work, the Minister for Communications has written to the eSafety Commissioner asking that work on the second tranche of codes commence as a matter of urgency.

s47C

The Government notes the Roadmap recommends a pilot of age assurance technologies. The Given the anticipated scope of the class 2 industry codes, this process will necessarily inform a potential pilot of age assurance technologies. In light of the importance of this work, the Minister for Communications has written to the eSafety Commissioner asking that work on the second tranche of codes commence as a matter of urgency.

s47C

The Government will await the outcomes of the class 2 industry codes process, before considering to inform if, and how, a trial of age assurance technologies would be conducted.

Government will lift industry transparency

The Government also notes that the *Online Safety Act 2021* sets out Basic Online Safety Expectations (BOSE) for the digital industry and empowers the eSafety Commissioner to require industry to report on what it is doing to address these expectations.

A core expectation, set out in section 46(1)(d) of the *Online Safety Act 2021*, is that providers ‘...will take reasonable steps to ensure that technological and other measures are in effect to prevent access by children to class 2 material provided on the service’. The *Online Safety (Basic Online Safety Expectations) Determination 2022* also provides examples of ‘reasonable steps’ that industry could take to meet this expectation, which includes ‘implementing age assurance mechanisms.’

The Government notes the Commissioner is able to require online services to report on how they are meeting the BOSE. Noting the independence of the eSafety Commissioner’s regulatory decision-making processes, the Government would welcome the further use of these powers and the transparency that they bring to industry efforts to improve safety for Australians, and to measure the effectiveness of industry codes.

The Government has also committed to bring forward the independent statutory review of the *Online Safety Act*, which will be completed in this term of government. With the online environment constantly changing, an early review will ensure Australia’s legislative framework remains responsive to online harms and that the eSafety can continue to keep Australians safe from harm.

We are monitoring international developments

As technology advances, age assurance or verification processes that could be effectively implemented while preserving Australians’ privacy and security, may emerge. The Roadmap describes how a number of online services are now trialing or introducing age assurance measures. A number of overseas governments, including of France, Germany, the UK, Utah and Louisiana, are considering or implementing age assurance requirements and intergovernmental collaborative networks and accreditation frameworks are being developed. The Government will continue to

s47C

s47C

monitor the implementation and effectiveness of global and industry developments to inform our efforts in the future, and it is anticipated they will be considered as part of the statutory review of the Online Safety Act, which is expected to commence in 2024.

Families may feel overwhelmed, More support and resources for but they are not powerless and they are not alone families

While the Government and our online safety regulator will continue working with industry on this problem challenge, technological solution tools are already available to prevent children accessing pornography online.

The eSafety Commissioner works closely with Communications Alliance—an industry body representing the communications sector—to provide the Family Friendly Filter program. Under this program, internet filtering products undergo rigorous independent testing for effectiveness, ease of use, configurability and availability of support prior to certification as a Family Friendly Filter. Filter providers must also agree to update their products as required by eSafety, for example where eSafety determines, following a complaint, that a specified site is prohibited under Australian law.

Communications Alliance maintains a list and access details of certified filters at: www.commsalliance.com.au/Activities/ispi/fff where they can be accessed by those caring for children.

The Government supports the eSafety Commissioner's work and considerable achievements in developing practical advice for parents, carers, educators and the community about safety technologies. These products include online resources such as fact sheets, advice and referral information, and regular interactive webinars. These resources are freely available through the eSafety Commissioner's website at: www.eSafety.gov.au.

s47C

The Roadmap proposes the establishment of an Online Safety Tech Centre to support parents, carers and others to understand and apply safety technologies that work best for them. The Government has sought further advice from the eSafety Commissioner about this proposal to inform further consideration.

The Roadmap also recommends that the Government:

- fund eSafety to conduct s47C
- develop new, evidence-based resources about online pornography for educators, parents and children; and
- develop industry guidance products and further work to identify barriers to the uptake of safety technologies such as internet filters and parental controls.

The Government supports these recommendations. In the 2023-24 Budget the Government provided eSafety with an additional \$132.1 million over four years to improve online safety, increasing base funding from \$10.3 million to \$42.5 million per year. This ongoing and indexed funding provides Australia's online safety regulator with funding certainty, allowing long term operational planning, more resourcing for its and regulatory processes, and to increase education and outreach. This funding envelope will allow the eSafety Commissioner to continue this important work.

The eSafety Commissioner works closely with Communications Alliance – an industry body representing the communications sector – to provide the Family Friendly Filter program. Under this program, internet filtering products undergo rigorous independent testing for effectiveness, ease of use, configurability and availability of support prior to certification as a Family Friendly Filter. Filter

[providers must also agree to update their products as required by eSafety, for example where eSafety determines, following a complaint, that a specified site is prohibited under Australian law.](#)

[Communications Alliance maintains a list and access details of certified filters at: \[www.commsalliance.com.au/Activities/ispi/fff\]\(http://www.commsalliance.com.au/Activities/ispi/fff\).](#)

~~The Roadmap proposes the establishment of an Online Safety Tech Centre to support parents, carers and others to understand and apply safety technologies that work best for them. The Government has sought further advice from the eSafety Commissioner about this proposal to inform further consideration.~~

Government is addressing Addressing the harms that can result from children’s exposure to pornography

The Roadmap notes that age-appropriate, inclusive, evidence-based, and stigma-free education about ~~online pornography and the related topics~~ of online safety, sexuality, consent, and respectful relationships are integral to addressing the harms associated with online pornography.

The Roadmap recommends development of a mechanism for greater national coordination and collaboration of respectful relationship education. The Australian Government supports this recommendation. Through the Consent and Respectful Relationships Education (CRRE) commitment of \$83.5 million over 6 years (2022-23 to 2027-28), the Australian Government is working with states, territories, the non-government school sector and experts through a National Respectful Relationships Education Expert Working Group (Expert Group) to support the delivery of age-appropriate, evidence-based respectful relationships education, aligned to the Australian Curriculum. The Expert Group will also provide guidance on a rapid review on the delivery of CRRE, identifying gaps and opportunities, and also support the development of a national framework to guide schools in delivering high quality CRRE.

The Government is also committed to coordination and collaboration through the National Plan to End Violence against Women and Children 2022-2023 (the National Plan). The National Plan acknowledges that the relationship between viewing pornographic content and violence is complicated. It notes that pornographic content that showcases violence and a lack of consent, could be linked to a young person’s attitudes and beliefs about sex, intimacy, consent, and gender-roles in relationships. The Commonwealth and all states and territories - along with victim-survivors, experts, frontline services and other stakeholders – have contributed to the National Plan, which provides the blueprint to end gender-based violence in a generation.

In its last two Budgets, the Australian Government has made a \$2.3 billion investment in women’s safety including to support implementation of the National Plan. This includes committing

~~Under the National Plan, the Australian Government has committed \$39.9 million to develop a new national prevention campaign on consent and respectful relationships. The consent campaign aims to prevent sexual violence by supporting adult influencers to help young people to develop positive attitudes and behaviours around consent. The first phase is expected to encourage adults to have conversations on consent and healthy relationships with each other, followed by sharing this understanding with young people (phase 2). This campaign is under development and is subject to Government approvals.~~

s47C ~~†~~The Government also committed \$3.8 million under the National Plan to support Teach Us Consent to curate, develop and distribute social media resources on consent for

s47C

Formatted: Font: Italic

Formatted: Space After: 6 pt

young people aged 16 and over, and develop a youth advisory group. The program is expected to improve the attitudes and understanding of young people about consent, their capacity to have conversations about consent, and ultimately, to reduce sexual violence. The youth-led expert advisory group is expected to provide advice about what works when engaging young people on consent and sexual violence prevention.

Further, the 2022-23 Budget included \$100.4 million over 5 years (GST exclusive) to continue supporting Our Watch to deliver on key priorities of the National Plan, and continue existing successful initiatives for the primary prevention of violence against women and children. Through the Primary Prevention Activities program, Our Watch is funded to deliver *The Line* - a primary prevention social marketing campaign, designed to encourage adolescents and young adults aged 14 plus years to engage with age appropriate and evidence based information that educates on: consent; dating; respectful relationships; masculinity; sex; emotions; and pornography. *The Line* also provides resources for Educators and practitioners and parents and carers.

In addition, under the National Plan, the Government has funded eSafety:

- \$10.0 million for the Preventing Tech-Based Abuse of Women Grants Program to develop primary prevention initiatives that address the drivers of technology-facilitated gender-based violence;
- \$16.6 million to develop a Technology-Facilitated Abuse Support Service for victim-survivors and their frontline service staff;
- to deliver training and capacity building of frontline workers and other key cohorts to recognise and respond to technology-facilitated family, domestic and sexual violence;
- to deliver the eSafety Kids and TFA Program to raise awareness about how technology-facilitated abuse affects young people; and
- to work in formal partnership with Aboriginal and Torres Strait Islander peoples to ensure policies and services are culturally competent, strengths-based and trauma informed and meet the needs of Aboriginal and Torres Strait Islander peoples and communities.

Working with counterparts

- As technology advances, age assurance or verification processes that could be effectively implemented while preserving Australians' privacy and security, may emerge. The Roadmap describes how a number of online services are now trialing or introducing age assurance measures. A number of overseas governments, including of France, Germany, the UK, Utah and Louisiana, are considering or implementing age assurance requirements and intergovernmental collaborative networks and accreditation frameworks are being developed. The Government will continue to monitor the implementation and effectiveness of global and industry developments to inform our efforts in the future, and it is anticipated they will be considered as part of the statutory review of the Online Safety Act, which is expected to commence in 2024.

We are investing in research and building the evidence base

Formatted: Font: 12 pt, Bold

Formatted: Normal, Indent: Left: 0.63 cm, No bullets or numbering

s47C

Formatted: Font: Bold

The Roadmap notes that the evidence around the potential impacts of online pornography on children is complex and conflicting, and recommends that the Government conduct new and specialist research in this area. This includes looking at the attitudes towards and impacts of online pornography on at-risk groups, particularly those who are underrepresented in the existing literature.

The Government supports this recommendation. Australia's National Research Organisation for Women's Safety (ANROWS) was established as an initiative of Australia's first *National Plan to Reduce Violence Against Women and their Children 2010-2022*, and their primary function is to build the evidence base that supports ending violence against women and children in Australia. The October 2022-23 Women's Safety Budget confirmed funding of \$23.3 million over 5 years from 2022-23 for the ANROWS National priority Research Fund. This additional funding will:

- increase understanding of and responses to address the unique, intersecting and lifelong impacts of violence against certain communities, including Aboriginal and Torres Strait Islander peoples and the LGBTIQ+ community;
- build knowledge and understanding of the factors correlated with men perpetrating violence, including the role of their own lived experience of violence and trauma;
- recognise and address the patterns of behaviour that constitute coercive control, including through increased understandings of non-physical forms of violence and abuse, such as psychological abuse, technology-facilitated and financial abuse; and
- bring sexual violence out of the shadows by recognising barriers to reporting and acknowledging sexual violence as a standalone issue that occurs beyond intimate partner violence.

s47C

s47C

The Government has also committed to supporting the eSafety Commissioner's engagement with industry to develop and implement new industry codes and standards to prevent children accessing online pornography, which is included under the National Plan. In addition, under the National Plan, the Government has funded eSafety:

Formatted: Hyphenate

- \$10.0 million for the Preventing Tech-Based Abuse of Women Grants Program to develop primary prevention initiatives that address the drivers of technology facilitated gender-based violence;
- \$16.6 million to develop a Technology Facilitated Abuse Support Service for victim survivors and their frontline service staff;
- to deliver training and capacity building of frontline workers and other key cohorts to recognise and respond to technology facilitated family, domestic and sexual violence;
- to deliver the eSafety Kids and TFA Program to raise awareness about how technology facilitated abuse affects young people; and
- to work in formal partnership with Aboriginal and Torres Strait Islander peoples to ensure policies and services are culturally competent, strengths based and trauma informed and meet the needs of Aboriginal and Torres Strait Islander peoples and communities.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Further, the 2022-23 Budget included \$100.4 million over 5 years (CST exclusive) to continue supporting Our Watch to deliver on key priorities of the National Plan, and continue existing successful initiatives for the primary prevention of violence against women and children. Through the Primary Prevention Activities program, Our Watch is funded to deliver The Line – a primary prevention social marketing campaign, designed to encourage adolescents and young adults aged 14 plus years to engage with age appropriate and evidence based information that educates on consent, dating, respectful relationships, masculinity, sex, emotions, and pornography. The Line also provides resources for Educators and practitioners and parents and carers. **Conclusion**

Formatted: Space Before: 0 pt

The first duty of any Government is to protect its citizens from harm – a duty that also applies to the online world. In the modern digital environment where children are growing up with close access to technology, protecting them from exposure to online pornography is a complex task. Protections must be proportionate to the level of harm and respect the rights of citizens to privacy and security. Protections must also be effective and enforceable.

Australia has a strong track record in measured, targeted action in response to online harms which has included the establishment of the world's first eSafety Commissioner and legislating dedicated schemes to protect Australians from a range of online harms. The Australian Government is focused on the additional ongoing work needed to successfully implement the *Online Safety Act 2021*, in particular the much needed 'step up' by the digital industry to protect Australian children from exposure to online pornography. The Government will continue to monitor these efforts closely.

The Government also takes seriously the need to address the drivers of gendered-based and sexual violence, including the role of online pornography as a potential driver of violence. Under the National Plan, we are working with other governments, businesses and workplaces, media, schools and educational institutions, the family, domestic and sexual violence sector, communities and individuals, to achieve the shared vision of ending gender-based violence in one generation.

The Government thanks the eSafety Commissioner and all those who have contributed to the Roadmap for Age Verification.

s22(1)(a)(ii)

From: DLO Rowland <dlo.rowland@MO.communications.gov.au>
Sent: Tuesday, 25 July 2023 3:14 PM
To: Gannon, Bridget; s22(1)(a)(ii)
Cc: s22(1)(a)(ii) DLO Rowland
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]
Attachments: scan s22(1)(a)(ii) 2023-07-25-10-04-35.pdf

OFFICIAL

Please find attached the second one, it shows me that it's with s22(1)(a)(ii) in PDMS

Cheers

s22(1)(a)

s22(1)(a)(ii)

Department Liaison Officer
 P +61 2 6271 s22(1)(a) M s22(1)(a)(ii)

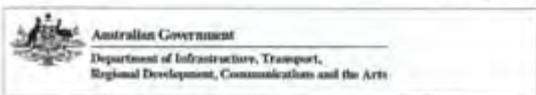
OFFICIAL

From: Gannon, Bridget
Sent: Tuesday, 25 July 2023 2:05 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii) DLO Rowland
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

I've only seen MS23-003648

MS25-001648



To: The Hon Michelle Rowland MP, Minister for Communications (in absence)

Subject: The eSafety Commissioner's Roadmap for Age Verification

Critical Date: Your action of this submission by Friday 16 June will provide the Prime Minister and the Minister for Education 2 weeks to approve the Roadmap, allowing us to publish it within three months of receipt from eSafety (30 June).

Recommendations:

- That you agree to the Government response at Attachment A to eSafety's Roadmap for Age Verification (Attachment G) saying that the Government:
 - will not mandate age assurance technologies as they are not sufficiently advanced;
 - has funded eSafety to deliver a number of the Roadmap's recommendations;
 - will ask the eSafety Commissioner to focus on implementing elements of the Online Safety Act 2021 (OSA) that address children's access to pornography; and
 - will publish the Roadmap on the Department's website along with the results set out in Attachment E.

Agreed/ Not Agreed
- That you sign the letters to the Minister for Education (Attachment B) and the Prime Minister (Attachment C) sending their agreement to the draft government response (recommendation 1 above only).

Signed/ Not Signed
- Pending the Prime Minister's agreement, that you sign, but not yet date, the letter to the eSafety Commissioner (Attachment D) asking her to focus on implementing elements of the OSA that address pornography, including development of class 2 industry codes and the Basic Online Safety Expectations.

Signed/ Not Signed

m. Rowland
 The Hon Michelle Rowland MP Date: 24/7/23
 Comments: 1. superseded
 (2) - pls update w/ MO.

Key Points:
1. On 21 March 2023, the eSafety Commissioner delivered to you eSafety's Roadmap for Age

Bridget Gannon (she/her)

Assistant Secretary • Online Safety Branch • Online Safety, Media and Platforms Division

bridget.gannon@infrastructure.gov.au

P +61 2 6271 s22(1)(a) • M +61 s22(1)(a)(ii) 1(a)

OFFICIAL

From: s22(1)(a)(ii) <[redacted]@MO.Communications.gov.au>
Sent: Tuesday, 25 July 2023 2:03 PM
To: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@COMMUNICATIONS.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@MO.communications.gov.au>; DLO Rowland <[redacted]@MO.communications.gov.au>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Did you get both briefs come back? The letters attached to the first brief weren't signed, but the ones on the second brief were.

OFFICIAL

From: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Sent: Tuesday, 25 July 2023 1:59 PM
To: s22(1)(a)(ii) <[redacted]@MO.Communications.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@COMMUNICATIONS.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@MO.communications.gov.au>; DLO Rowland <[redacted]@MO.communications.gov.au>

Released under the Freedom of Information Act 1982 by the Minister for Communications

<s22(1)(a)(ii) @MO.communications.gov.au>

Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Many thanks s22(1)(a)(ii)

I've spoken with PM&C to support their, and the PM's consideration of the Minister's letter.

I was wondering if we can get a copy of the letters signed by the Minister? (the brief's recommendations are 'not signed' by the Minister and I assume there are revised versions of the letters that the Minister signed?)

It'd be good to have them on file

Thanks!

BG

Bridget Gannon (*she/her*)

Assistant Secretary • Online Safety Branch • Online Safety, Media and Platforms Division

bridget.gannon@infrastructure.gov.au

P +61 2 6271 s22(1)(a)(ii) • M +61 s22(1)(a)(ii)
1(a)

OFFICIAL

From: s22(1)(a)(ii) @MO.Communications.gov.au>

Sent: Monday, 24 July 2023 4:38 PM

To: s22(1)(a)(ii) @infrastructure.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>

Cc: s22(1)(a)(ii) @MO.communications.gov.au>; DLO Rowland <s22(1)(a)(ii) @MO.communications.gov.au>

Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi all

Confirming the Minister has signed off on the AV Roadmap response (final version attached) and the letters to the PM, Rishworth and Clare. These should be dispatched this afternoon and the signed brief come back via PDMS.

Thanks so much everyone (but especially to s22(1)(a)(ii) for all your work on this one. Almost there hopefully!

s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @infrastructure.gov.au>

Sent: Friday, 21 July 2023 3:17 PM

To: s22(1)(a)(ii) @MO.Communications.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>

Cc: s22(1)(a)(ii) @MO.communications.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>

Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi again, attached is the latest draft with AGD's edits marked up in track (p.5). AGD have also suggested we use 'personal information' instead of sensitive personal information as this has a particular meaning in the Privacy Act (p.2).

OFFICIAL

From: s22(1)(a)(ii) <[redacted]>
Sent: Friday, 21 July 2023 3:09 PM
To: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.Communications.gov.au](mailto:[redacted]@MO.Communications.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.communications.gov.au](mailto:[redacted]@MO.communications.gov.au)>; s22(1)(a)(ii) <[redacted]> <[\[redacted\]@COMMUNICATIONS.gov.au](mailto:[redacted]@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

AGD just came back with some minor revisions following a conversation with the AGO. I'm just working these into the doc and will send soon.

s22(1)(a)(ii) <[redacted]>

Director / Online Safety Strategy and Research

P +61 2 6271 s22(1)(a)(ii) / s22(1)(a)(ii) <[redacted]>

OFFICIAL

From: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.Communications.gov.au](mailto:[redacted]@MO.Communications.gov.au)>
Sent: Friday, 21 July 2023 3:08 PM
To: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@infrastructure.gov.au](mailto:[redacted]@infrastructure.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.communications.gov.au](mailto:[redacted]@MO.communications.gov.au)>; s22(1)(a)(ii) <[redacted]> <[\[redacted\]@COMMUNICATIONS.gov.au](mailto:[redacted]@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Great, thanks s22(1)(a) <[redacted]>

And thanks so much to s22(1)(a) <[redacted]> and the team for turning around the revisions so quickly – hopefully it's almost there!

OFFICIAL

From: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@infrastructure.gov.au](mailto:[redacted]@infrastructure.gov.au)>
Sent: Friday, 21 July 2023 2:56 PM
To: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.Communications.gov.au](mailto:[redacted]@MO.Communications.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) <[redacted]> <[\[redacted\]@MO.communications.gov.au](mailto:[redacted]@MO.communications.gov.au)>; s22(1)(a)(ii) <[redacted]> <[\[redacted\]@COMMUNICATIONS.gov.au](mailto:[redacted]@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Thanks s22(1)(a)(ii)

There are no concerns from the department with your proposed changes.

We haven't been able to confirm the Our Watch figures with DSS, but we are confident the figure you provided is accurate. It is consistent with the DSS PBS and the media release.

We'll reach out to PM&C next week and also try and get a hold of eSafety's online dating research.

Thanks s22(1)

s22(1)(a)(ii)

Director / Online Safety Strategy and Research
P +61 2 6271 s22(1)(a)(ii) / s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @MO.Communications.gov.au>
Sent: Thursday, 20 July 2023 6:37 PM
To: s22(1)(a)(ii) @infrastructure.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)

I've made edits to incorporate the minimal feedback I received from Minister Rishworth and Minister Clare's office in the attached. s47C

Grateful if you can let me know if any issues with the proposed heading or those minor changes.

I'll follow up with the AGO and Minister Gallagher's office tomorrow to make sure no outstanding concerns on their end.

s22(1)(a)(ii)

Thanks s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Thursday, 20 July 2023 4:37 PM
To: s22(1)(a)(ii) @MO.Communications.gov.au>; Gannon, Bridget

Released under the Freedom of Information Act 1982 by the Minister for Communications

<Bridget.Gannon@infrastructure.gov.au>

Cc: s22(1)(a)(ii) [redacted] @MO.communications.gov.au; s22(1)(a)(ii) [redacted]

[redacted] @COMMUNICATIONS.gov.au>

Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii) [redacted]

Please find attached the updated AV roadmap response. With many thanks to s22(1)(a) [redacted] for his work on this!

The document has been fact-checked and your comments have been addressed. For your visibility, we have cleared the language related to ANROWS through DSS. We also received SES-cleared input from AGD on the Privacy Act Review.

Very happy to chat.

Thanks

s22(1)(a)(ii) [redacted]

Director / Online Safety Strategy and Research

P +61 2 6271 s22(1)(a) [redacted] / s22(1)(a)(ii) [redacted]

OFFICIAL

From: s22(1)(a)(ii) [redacted] @MO.Communications.gov.au>

Sent: Monday, 17 July 2023 11:27 AM

To: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) [redacted] @infrastructure.gov.au>

Cc: s22(1)(a)(ii) [redacted] @MO.communications.gov.au>

Subject: FW: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii) [redacted]

As flagged on Friday, I'm sending back some further edits on the AV Roadmap response and request for some additional info to be incorporated.

There are a lot of messy track changes in the doc, but a lot of it is from shuffling material around rather than major edits. We have however asked for some additional content on the Privacy Act Review's recommendation for a Children's Online Privacy Code, and added some material that will need to be reviewed by DSS (e.g. around ANROWS research focus areas).

Please let us know if any of the additions/changes are factually incorrect or misleading/confusing, and give me a call if anything in there doesn't make sense.

s47C [redacted]

Thanks

s22(1)(a)
(ii)

OFFICIAL

OFFICIAL

MS23-003828



Australian Government

**Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

To: The Hon Michelle Rowland MP, Minister for Communications (for decision)

Subject: Updates to the government response to the Roadmap for Age Verification

Critical Date: Routine

Recommendations:

1. That you **agree** to the updated government response (at **Attachment A**) to eSafety's Roadmap to Age Verification (the Roadmap), which incorporates the feedback provided by your office via email at **Attachment B** on 21 June and 23 June, noting that this version supersedes the version provided by the Department on 15 July.

Agreed / Not Agreed

2. That you **note** that all feedback provided by your office has been incorporated, s47C

[Redacted text]

Noted / Please Discuss

3. That you **sign** the letter to the Minister for Social Services (**Attachment C**) seeking her agreement to the government response which now refers to measures in her portfolio, as well as the revised letters to the Prime Minister (**Attachment D**) and Minister for Education (**Attachment E**) which have been amended to reflect the changes to the government response provided in this brief.

Signed / Not Signed

M. Rowland

The Hon Michelle Rowland MP

24/7/23

Date:

Comments:

Govt response agreed in line w/ edits from my office.

Key Points:

1. On 15 June we provided you a brief (MS23-003648 refers) seeking your agreement to release the eSafety Commissioner's Roadmap for Age Verification (the Roadmap) alongside a government response. On 21 June and 23 June, your advisor Ms Burns in your office provided feedback (**Attachment B**) on the draft government response. This brief supplements rather than replaces the previous briefing and provides a replacement response as well as letters to the Minister for Social Services, the Prime Minister and the Minister for Education.

OFFICIAL

Released under the Freedom of Information Act 1982 by the Minister for Communications

OFFICIAL

MS23-003828

2. The government response at **Attachment A**:
- highlights that the Roadmap was tasked before the *Online Safety Act 2021* (OSA) was legislated;
 - expands on the process of industry code development; and
 - identifies how the National Plan to End Violence against Women and Children is addressing sexual and gender-based violence, including through funding of Teach Us Consent, the National Consent Campaign, and initiatives from Our Watch and ANROWS.

s47C

7. Given that the government response now refers to measures in the Department of Social Services portfolio, we have provided a letter to the Minister for Social Services at **Attachment C** seeking her agreement to the Government response. Revised letters to the Prime Minister (**Attachment D**) and Minister for Education (**Attachment E**) are also attached.

Stakeholder Implications: As per our previous brief (MS23-003648 refers)

Consultation: Department of Social Services

Media Opportunities: A media release was provided in our previous submission (MS23-003648 refers). Further media materials, including talking points are being prepared.

OFFICIAL

OFFICIAL

MS23-003828

Attachments:

Attachment A – Government response
Attachment B – s47C
Attachment C – Letter to the Minister for Social Services
Attachment D – Letter to the Prime Minister
Attachment E – Letter to the Minister for Education

Cleared By: Bridget Gannon
Position: Assistant Secretary
Division: Online Safety, Media and Platforms
Mob: s22(1)(a)(ii)
Cleared Date: 21/04/2023

Contact Officer: s22(1)(a)(ii)
Section: Strategy & Research
Ph: (02) 6271 s22(1)
Mob s22(1)(a)(ii)

Instructions for MPS: N/A**Responsible Adviser:** s22(1)(a)(ii)**PDMS Distribution List:** Jim Betts, Richard Windeyer, Pauline Sullivan, Bridget Gannon, s22(1)(a)(ii), s22(1)(a)(ii) Shervin Rafizadeh.

OFFICIAL

s22(1)(a)(ii)

From: s22(1)(a)(ii) @MO.Communications.gov.au>
Sent: Tuesday, 25 July 2023 4:22 PM
To: s22(1)(a)(ii)
Subject: FW: AV Roadmap - updated government response [SEC=OFFICIAL]
Attachments: AV Roadmap government response - FINAL 24 July.docx

OFFICIAL

FYI here is the roadmap response signed off by the Minister which is now with the PM for approval.

OFFICIAL

From: s22(1)(a)(ii)
Sent: Monday, 24 July 2023 4:38 PM
To: s22(1)(a)(ii); Gannon, Bridget; s22(1)(a)(ii)
Cc: s22(1)(a)(ii); DLO Rowland
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi all

Confirming the Minister has signed off on the AV Roadmap response (final version attached) and the letters to the PM, Rishworth and Clare. These should be dispatched this afternoon and the signed brief come back via PDMS.

Thanks so much everyone (but especially to s22(1)(a)(ii) for all your work on this one. Almost there hopefully!

Isabelle

OFFICIAL

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Friday, 21 July 2023 3:17 PM
To: s22(1)(a)(ii) @MO.Communications.gov.au>; Gannon, Bridget
 <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>; s22(1)(a)(ii)
 @COMMUNICATIONS.gov.au>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi again, attached is the latest draft with AGD's edits marked up in track (p.5). AGD have also suggested we use 'personal information' instead of sensitive personal information as this has a particular meaning in the Privacy Act (p.2).

OFFICIAL

From: s22(1)(a)(ii) [redacted]
Sent: Friday, 21 July 2023 3:09 PM
To: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.Communications.gov.au](mailto:s22(1)(a)(ii)@MO.Communications.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.communications.gov.au](mailto:s22(1)(a)(ii)@MO.communications.gov.au)>; s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@COMMUNICATIONS.gov.au](mailto:s22(1)(a)(ii)@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

AGD just came back with some minor revisions following a conversation with the AGO. I'm just working these into the doc and will send soon.

s22(1)(a)(ii) [redacted]

Director / Online Safety Strategy and Research
 P +61 2 6271 s22(1)(a)(ii) [redacted] / s22(1)(a)(ii) [redacted]
 1(a)

OFFICIAL

From: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.Communications.gov.au](mailto:s22(1)(a)(ii)@MO.Communications.gov.au)>
Sent: Friday, 21 July 2023 3:08 PM
To: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.communications.gov.au](mailto:s22(1)(a)(ii)@MO.communications.gov.au)>; s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@COMMUNICATIONS.gov.au](mailto:s22(1)(a)(ii)@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Great, thanks s22(1)(a) [redacted]

And thanks so much to s22(1)(a) [redacted] and the team for turning around the revisions so quickly – hopefully it's almost there!

OFFICIAL

From: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>
Sent: Friday, 21 July 2023 2:56 PM
To: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.Communications.gov.au](mailto:s22(1)(a)(ii)@MO.Communications.gov.au)>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@MO.communications.gov.au](mailto:s22(1)(a)(ii)@MO.communications.gov.au)>; s22(1)(a)(ii) [redacted] <[s22\(1\)\(a\)\(ii\)@COMMUNICATIONS.gov.au](mailto:s22(1)(a)(ii)@COMMUNICATIONS.gov.au)>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Thanks s22(1)(a)(ii) [redacted]

There are no concerns from the department with your proposed changes.

We haven't been able to confirm the Our Watch figures with DSS, but we are confident the figure you provided is accurate. It is consistent with the DSS PBS and the media release.

We'll reach out to PM&C next week and also try and get a hold of eSafety's online dating research.

Thanks

s22(1)

s22(1)(a)(ii)

Director / Online Safety Strategy and Research

P +61 2 6271 s22(1)(a) / s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @MO.Communications.gov.au>
Sent: Thursday, 20 July 2023 6:37 PM
To: s22(1)(a)(ii) @infrastructure.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)

I've made edits to incorporate the minimal feedback I received from Minister Rishworth and Minister Clare's office in the attached. s47C

Grateful if you can let me know if any issues with the proposed heading or those minor changes.

I'll follow up with the AGO and Minister Gallagher's office tomorrow to make sure no outstanding concerns on their end.

s47C

Thanks

s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @infrastructure.gov.au>
Sent: Thursday, 20 July 2023 4:37 PM
To: s22(1)(a)(ii) @MO.Communications.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>
Subject: RE: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Released under the Freedom of Information Act 1982 by the Minister for Communications

Hi s22(1)(a)(ii)

Please find attached the updated AV roadmap response. With many thanks to s22(1)(a) for his work on this!

The document has been fact-checked and your comments have been addressed. For your visibility, we have cleared the language related to ANROWS through DSS. We also received SES-cleared input from AGD on the Privacy Act Review.

Very happy to chat.

Thanks

s22(1)(a)(ii)

Director / Online Safety Strategy and Research

P +61 2 6271 s22(1)(a)(ii) / s22(1)(a)(ii)

OFFICIAL

From: s22(1)(a)(ii) @MO.Communications.gov.au>
Sent: Monday, 17 July 2023 11:27 AM
To: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>
Subject: FW: AV Roadmap - updated government response [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii)

As flagged on Friday, I'm sending back some further edits on the AV Roadmap response and request for some additional info to be incorporated.

There are a lot of messy track changes in the doc, but a lot of it is from shuffling material around rather than major edits. We have however asked for some additional content on the Privacy Act Review's recommendation for a Children's Online Privacy Code, and added some material that will need to be reviewed by DSS (e.g. around ANROWS research focus areas).

Please let us know if any of the additions/changes are factually incorrect or misleading/confusing, and give me a call if anything in there doesn't make sense.

s47C [Redacted]

Thanks

s22(1)(a)(ii)

OFFICIAL

Released under the Freedom of Information Act 1982 by the Minister for Communications



Ministerial Briefing Note

To The Hon Michelle Rowland MP
Minister for Communications

Cc s22(1)(a)(ii) A/Assistant Secretary

From Julie Inman Grant, eSafety Commissioner

Date 4 August 2023

Subject Online Safety Industry Codes update

Purpose To clarify the timeframe for Industry Codes and Standards development and its intersection with the Age Verification Roadmap

Timing

Recommendations That you:
1. Note this update

Minister Noted / Please discuss

Signed and dated by
Minister

.....

Date:

s22(1)(a)(ii)

Released under the Freedom of Information Act 1982 by the Minister for Communications

Age Verification Roadmap

3. The timing of Phase 2 Industry Codes has been linked to the Roadmap for age verification and complementary measures to prevent and mitigate harms to children from online pornography (AV Roadmap), which was submitted to government on 31 March 2023, given their aligned policy objectives.
4. The AV Roadmap recommends taking a holistic approach to minimising harms to children from accessing online pornography, including a trial of age assurance technologies in the Australian context to determine the most effective technical methods for preventing children's access to online pornography. It also recommends complementary educational and technological measures to mitigate potential harms to children, and industry considerations for the Phase 2 Codes. A summary of industry considerations for Phase 2 codes is at **Attachment A**.

5. The Roadmap recommendations are further substantiated by:
 - a. the AV Roadmap background report, which will be finalised and shared with your Office soon
 - b. primary research with adults and young people undertaken to understand their perspectives and experiences with online pornography and online age verification.
6. A summary of the research that supports the AV Roadmap was provided to your office on 26 July 2023 and has also been included at **Attachment B**. My office will be happy to coordinate the release of these research reports with your office (potentially accompanied by a media plan) to provide further evidence for the need for government action to prevent and mitigate harms to children from online pornography.

s22(1)(a)(ii)



Phase 2 Industry Codes development

10. Our assessment of the Search Engine Services code and the development of the Phase 1 Industry Standards for RES and DIS are our priorities. However, we are planning on taking the following steps in relation to Phase 2:
 - a. Meeting with Phase 1 industry associations to discuss both lessons learnt and preparation for Phase 2 (including identifying the online industry associations with the capability and interest in preparing such codes) in late August.
 - b. Preparing a supplementary Position Paper addressing Phase 2, which will draw on eSafety's September 2021 Codes Position Paper, the lessons learnt from Phase 1 and the AV Roadmap.

11. eSafety's Phase 2 Position Paper will seek to set out eSafety's expectations as to the outcomes to be achieved by industry's phase 2 codes. This paper will draw on key findings and proposals identified in the AV Roadmap and background report.

Limitations with Phase 2 of Industry Codes

12. As set out in the AV Roadmap, while there are a range of age verification tools and technologies that could potentially be used to verify the age of user (e.g. digital identification, biometric scanning etc), there are current concerns with many tools and it is not expected that any section of the online industry would offer commitments to adopt AV tools, at this stage.
13. eSafety's expectations for Phase 2 Code development (which will be set out as 'outcomes' and 'objectives' in the eSafety Phase 2 Position Paper) will need to reflect the current status of age verification technology including the lack of deployment and/or testing in the Australian context. Accordingly, rather than focussing on the adoption of age verification technology, eSafety's desired outcomes are likely to focus on complementary measures to prevent and mitigate harm to children from online pornography, as proposed in the AV Roadmap and accompanying background report.
14. Examples of such measures include the application of age gates and pornography-free landing pages, filters, safety information, clear policies and enforcement of those policies (see further examples at **Attachment A**).

Attachment A – Complementary measures to prevent and mitigate harm to children from online pornography

1. The background report to the Roadmap for age verification and complementary measures to prevent and mitigate harms to children from online pornography outlines a range of complementary measures that may help inform the second phase of industry codes or industry standards. These measures include:
 - the provision of clear and relevant safety information, accompanied by targeted awareness raising
 - the provision of filters, safety and privacy settings, and parental controls
 - clear policies in relation to online pornography and enforcement of those policies
 - a clear minimum age to use the service and enforcement of that minimum age through age assurance mechanisms at first access/sign up (likely to take the form of age gating rather than necessarily the adoption of age verification or age estimation solutions, as well as ongoing measures to detect underage users in appropriate circumstances)
 - the application of age gates and pornography-free landing pages, including the use of ‘Restricted to Adults’ tagging within the header of websites, which enables the site to be filtered by a range of tools, including browsers, ISPs, firewalls, plugins, operating systems and commercial filtering software.
 - the application of age-appropriate safety and privacy settings to the accounts of younger users
 - accessible and effective mechanisms to report (unrestricted) online pornography
 - proactive content detection and moderation technology, which is subject to appropriate and accessible appeals processes and continuously improved in consultation with the user community
 - the provision and enforcement of tools for the user community to apply tags to sensitive content and accounts, and effective measures to make sure they are not promoted to younger users
 - the provision of features for users to control their experience and the type of content recommended to them, including nudges and reporting capabilities
 - efforts to minimise unintentional encounters, for example, by improving accuracy of search results and blurring sensitive content

- ongoing investment and innovation in development of tools and the above measures
 - transparency reporting.
2. The background report also outlines a range of options for industry sections that are not covered by the Online Safety Act, including Domain administrators and registrars, browsers, investors and shareholders, advertisers, payment providers and the safety tech sector.

Attachment B - Summary of eSafety's young people and pornography research series reports

Accidental, unsolicited and in your face

This report focuses on young people's encounters with pornography, their perspectives on it, and their support needs around it.

The report's key findings include:

- Online pornography is prevalent in the online lives of young people, with Australian young people encountering online pornography at high rates from a young age.
- Many young people's first encounters with online pornography are unintentional. However, throughout adolescence, they are seeing online pornography both unintentionally and intentionally via pornography websites, other unrelated websites, social media and communication from friends.
- While young people who intentionally seek out online pornography may find it pleasurable and interesting, young people generally don't like encountering it unintentionally. Yet, due to the pervasiveness of pornography in the online worlds of young people, such encounters appear to be becoming normalised, and young people are more likely to ignore content than to report it or to seek support and help.
- Young people acknowledge the positive aspects of online pornography that could be valuable to them, particularly in regard to learning about sex and exploring their sexuality. However, they also recognised the negative impacts that online pornography can have, especially in relation to young people's understanding and expectations of relationships and sex.
- Education is perceived as the best way to reduce the negative impacts of online pornography, and young people want support to make informed decisions and to have realistic expectations of sex. These skills, they believed, would help them to navigate encounters with online pornography.

Questions, Doubts and Hopes

This report examines young people's attitudes towards the age-based restriction of access to online pornography and age assurance.

The report's key findings include:

- Young people were generally in support of age-based restriction of access to online pornography for people under age 16.
- However, perspectives on which age groups should be restricted from accessing online pornography differed according to sexuality, gender, disability and prior experience of encountering online pornography.
- Young people were most concerned about the regulation of unintentional encounters with pornography.
- When it came to intentional access to pornography, many young people thought that the responsibility for age restriction and implementing age assurance tools should fall predominantly on the pornography industry.
- Young people expressed doubts about the effectiveness of age assurance tools and had concerns about privacy and data security.

Ministerial Briefing Note

To The Hon Michelle Rowland MP
Minister for Communications

Cc s22(1)(a)(ii) [redacted], A/Assistant Secretary

From Julie Inman Grant, eSafety Commissioner

Date 16 August 2023

Subject Age Verification Roadmap

Purpose Submission of the Age Verification Roadmap Background Report for consideration prior to the release of the AV roadmap

Timing

Recommendations That you:
1. Note this update

Minister Noted / Please discuss

Signed and dated by
Minister

..... Date:

Key Points

1. eSafety submitted the Age Verification Roadmap ('the Roadmap') to Government on 31 March 2023, which provides evidence-based analysis and recommendations on implementing a holistic approach to preventing children's access to online pornography and minimising associated harms.
2. The Background Report (**Attachment A**) is referenced numerous times throughout the Roadmap as a source of evidence and in-depth analysis which supports the assertions, findings and recommendations of the Roadmap. It is consistent with the Roadmap that was presented to Government. The report only contains greater detail which substantiates the Roadmap's recommendations.
3. During our consultations with stakeholders eSafety committed to transparency, including to release of the Background Report. We intend to publish the Background Report alongside the Roadmap on eSafety's website once the Government's response has been handed down.
4. As discussed at our meeting on 28 July, the young people and pornography research series provides valuable evidence for the Roadmap recommendations, whatever the decision. As also discussed, we believe release of the research prior to the Roadmap launch is optimal. The question for your media team is whether we release a week prior, for some clear air, or if you would like a tighter release timeframe the week of the planned Roadmap launch.

Roadmap background report

5. The Background Report is separated into four parts:
 - a. **Part 1 – 'Framing the report'** – which provides context and background information on how we have approached the government's tasking
 - b. **Part 2 – 'Understanding the issue'** – which provides extensive analysis of research focused on children's access to online pornography and the reported impact of intentional and accidental exposure to online pornography. This includes further findings and direct quotes from eSafety's primary research that was shared with your office in July 2023. It also covers the digital ecosystem and future technology trends that will impact the delivery of online pornography
 - c. **Part 3 – 'Technology-based responses'** – which outlines and assesses various age assurance and online safety technologies, considers international successes and challenges in regulating online pornography and implementing technology requirements, and discusses better practice measures for the online industry that could inform the development of Phase 2 of eSafety's Industry Codes and the Basic Online Safety Expectations
 - d. **Part 4 – 'How Australia can prevent and minimise harm through education and regulation'** – which covers how the technological measures discussed in Part 3 above could be enforced through regulation, as well as the educational measures which form a holistic approach to harm prevention and mitigation.

6. The Background Report also supports the Roadmap's recommendations by:
 - a. considering the multiple policy intersections and legislative review processes underway across the Australian Government and states and territories
 - b. canvassing the complete range of stakeholder perceptions and concerns which informed the Roadmap but are not comprehensively outlined due to their length and quantity.
7. eSafety consulted with the following departments and agencies to finalise the Background Report:
 - a. Attorney General's Department
 - b. Australian Communications and Media Authority
 - c. Australian Competition and Consumer Commission
 - d. Australian Cyber Security Centre
 - e. Australian Human Rights Commission
 - f. Department of Education
 - g. Department of Finance
 - h. Department of Home Affairs
 - i. Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - j. Department of Social Services
 - k. Digital Transformation Agency
 - l. Office of the Australian Information Commissioner
 - m. Services Australia
 - n. International regulators (such as Ofcom (UK) and Arcom (France)).

s22(1)(a)(ii)

From: Minister.Rowland.MO <s22(1)(a)(ii)@MO.COMMUNICATIONS.gov.au>
Sent: Thursday, 24 August 2023 1:19 PM
To: Julie.InmanGrant@eSafety.gov.au
Cc: DLO Rowland; s22(1)(a)(ii) Gannon, Bridget; s22(1)(a)(ii)
Subject: MS23-003648 Correspondence from Minister Rowland re Roadmap for Age Verification [SEC=OFFICIAL]
Attachments: MS23-003648 Signed Letter.pdf; MS23-003648 Enclosed Attachment.pdf

OFFICIAL

Good afternoon Ms Inman Grant,

Please see attached correspondence from Minister Rowland regarding the Roadmap for Age Verification.

No hard copy to follow.

Regards,

s22(1)(a)(ii)

Interim Departmental Liaison Officer • Office of the Hon Michelle Rowland MP
Minister for Communications

s22(1)(a)(ii) [@MO.communications.gov.au](mailto:s22(1)(a)(ii)@MO.communications.gov.au)

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS



I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL

OFFICIAL

**The Hon Michelle Rowland MP****Minister for Communications
Federal Member for Greenway**

MS23-003648

Ms Julie Inman Grant
eSafety Commissioner
PO Box Q500
Queen Victoria Building
Sydney NSW 1230
Via: Julie.InmanGrant@eSafety.gov.au

Dear Ms Inman Grant

Thank you for providing the Roadmap for Age Verification (the Roadmap) to my office on 31 March 2023. I was pleased to see the outcomes of this significant work program. The Roadmap is the product of a significant body of work for you and your organisation and is grounded in research and informed by broad stakeholder consultation. I thank you for your work and advice on this important matter.

I note that the Roadmap does not recommend the Government legislate to introduce a system of mandatory age verification for access to online pornography. Instead, it recommends a number of complementary measures to prevent and mitigate harms to children from online pornography.

Awareness, research and education have always been core functions of the eSafety Commissioner, underpinning your regulatory role as well as the citizen-focussed support, advice and regulatory action that you provide to Australians. The Government's 2023-24 Budget, delivered following receipt of the Roadmap, provides an additional \$132.1 million over four years to improve online safety, increasing base funding from \$10.3 million to \$42.5 million. This ongoing and indexed funding provides your office with funding certainty, allowing you to continue your important work, informed by long term operational planning.

The Roadmap also recommends a pilot of age assurance technology before seeking to prescribe and mandate any requirements.

The effective implementation of the *Online Safety Act 2021* (OSA), including the creation of new and strengthened industry codes is a priority for the Government. I note that Part 9 of the OSA provides for industry codes regarding class 2 content that will help make the internet safer for children. I therefore encourage you to consider commencing work on the second tranche of industry codes that will deal with class 2 material as soon as practicable, following the completion of the first tranche of codes.

The Hon Michelle Rowland MP
PO Box 6022, Parliament House Canberra
Suite 101C, 130 Main Street, Blacktown NSW 2148 | (02) 9671 4780
OFFICIAL

OFFICIAL

I also note the powers available to you at your discretion under the *Online Safety (Basic Online Safety Expectations) Determination 2022*. In particular, the information gathering and reporting powers about the actions providers are taking to ensure measures are in effect to prevent children from accessing class 2 material.

While you continue this important and complex work, I am concerned that conducting a trial of age assurance technologies may unnecessarily distract industry from developing and delivering the new and strengthened codes. I therefore intend to await the completion of this process before considering if and how a trial of age assurance technologies would be conducted.

The Roadmap further recommends the establishment of an Online Safety Tech Centre. I would welcome further advice from you about the benefits this new Centre would provide for Australians, the activities and services it would deliver and whether these could be delivered within the office of the eSafety Commissioner's new ongoing funding profile.

I note too the Roadmap's recommendation that the Government consider the development of a mechanism for greater national coordination and collaboration of respectful relationships education. I understand that the Department of Education will continue to lead work with state and territory governments, the non-government school sector and experts to deliver the Government's Consent and Respectful Relationships Education commitment.

In light of public interest in your work, and in the interests of transparency on this important issue, I have asked my Department to publish the Roadmap on their website along with a Government Response which I have attached for your information.

Before the public release of this material, I intend to consult with Australian child safety organisations under embargo about the government's approach to protecting children from exposure to online pornography and to discuss any of their concerns. I would warmly welcome your participation in this forum and my Department will liaise with your office regarding timing and briefing materials.

Thank you again for all your work to date on this important issue. I look forward to our ongoing collaboration to prevent and mitigate harms to children from online pornography.

Yours sincerely



Michelle Rowland MP

22 AUG 2023

Encl.

Attachment A: Government Response

OFFICIAL

s22(1)(a)(ii)

From: Julie.InmanGrant@eSafety.gov.au
Sent: Thursday, 24 August 2023 1:28 PM
To: Minister.Rowland.MO
Cc: DLO Rowland; s22(1)(a)(ii) Gannon, Bridget; s22(1)(a)(ii)
Subject: RE: MS23-003648 Correspondence from Minister Rowland re Roadmap for Age Verification [SEC=OFFICIAL]

OFFICIAL

Thank you Minister Rowland, and all. I am confirming receipt and absolutely plan to make myself available for the August 30th pre-briefing. Julie

From: Minister.Rowland.MO
Sent: Thursday, 24 August 2023 1:19 PM
To: Julie Inman Grant
Cc: DLO Rowland ; s22(1)(a)(ii) Gannon, Bridget ; s22(1)(a)(ii)
Subject: MS23-003648 Correspondence from Minister Rowland re Roadmap for Age Verification [SEC=OFFICIAL]

OFFICIAL

Good afternoon Ms Inman Grant,

Please see attached correspondence from Minister Rowland regarding the Roadmap for Age Verification.

No hard copy to follow.

Regards,

s22(1)(a)(ii)

Interim Departmental Liaison Officer • Office of the Hon Michelle Rowland MP
Minister for Communications

s22(1)(a)(ii) [@MO.communications.gov.au](mailto:s22(1)(a)(ii)@MO.communications.gov.au)

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS



I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL

Disclaimer

This message has been issued by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The information transmitted is for the use of the intended recipient only and may

contain confidential and/or legally privileged material.

Any review, re-transmission, disclosure, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may result in severe penalties. If you have received this e-mail in error, please notify the Department on +61 (2) 6274 7111 and delete all copies of this transmission together with any attachments.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

s22(1)(a)(ii)

From: DLO Rowland <dlo.rowland@MO.communications.gov.au>
Sent: Thursday, 31 August 2023 6:05 PM
To: Julie.InmanGrant@eSafety.gov.au
Cc: DLO Rowland
Subject: Correspondence from Minister Rowland following AV Roadmap meeting [SEC=OFFICIAL]
Attachments: Correspondence from Minister Rowland to Ms Inman Grant - AV Roadmap.pdf

OFFICIAL

Dear Ms Inman Grant

Please find attached correspondence from Minister Rowland following the 30 August meeting to discuss the Roadmap for Age Verification and the Government Response to the Roadmap.

Regards

s22(1)(a)(ii)

Department Liaison Officer • Office of the Hon Michelle Rowland MP
Minister for Communications

s22(1)(a)(ii) @communications.gov.au

DLO.Rowland@MO.communications.gov.au

P +61 2 6271 s22(1)(a)(ii) M s22(1)(a)(ii) 4

Suite M1.41, Parliament House, Canberra ACT 2600

I would like to acknowledge the traditional custodians of this land on which we meet, work and live.

I recognise and respect their continuing connection to the land, waters and communities.

I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL

Released under the Freedom of Information Act 1982 by the Minister for Communications

OFFICIAL



The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MS23-004251

Ms Julie Inman Grant
eSafety Commissioner
PO Box Q500
Queen Victoria Building
Sydney NSW 1230

via: Julie.InmanGrant@eSafety.gov.au

Dear Ms Inman Grant

I am writing to express my sincere thanks for your participation in the 30 August 2023 meeting with Australian child safety organisations and advocates to discuss the Roadmap for Age Verification and the Government Response to the Roadmap.

This meeting has reinforced how important our work is to protect children from exposure to online harms such as pornography. In my view the attendees valued the opportunity to hear the Government's approach to this issue in advance of the public release of the Roadmap for Age Verification and the Government Response.

Thank you also for providing the Age Verification Roadmap Background Report (the Background Report) to my office on 16 August 2023. I note that the Background Report's advice is consistent with that of the Roadmap for Age Verification, and I thank you for publishing both of these documents on eSafety's website.

The Background Report provides a comprehensive overview of the age verification landscape and a valuable insight into the supporting policy options available to protect children from online harms. It provides further compelling evidence that age verification remains challenging both in terms of technology and privacy considerations.

The Hon Michelle Rowland MP
PO Box 6022, Parliament House Canberra
Suite 101C, 130 Main Street, Blacktown NSW 2148 | (02) 9671 4780
OFFICIAL

OFFICIAL

Thank you again for your continued leadership and collaboration on this important issue. I look forward to continuing our work together to improve the safety of Australians online.

Yours sincerely



Michelle Rowland MP

30 / 8 / 2023

OFFICIAL