 <div>Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts</div>	Meeting/Event Brief MB24-000852
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To: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Meeting with YouTube

Timing: 11.00-11.30am, 13 December 2024

Venue: Virtual

Meeting with: s47F, YouTube CEO, and s47F, Government Affairs - ANZ

Our Proposed Objectives:

- Reiterate the Government’s intention and proposed approach to exclude YouTube from the social media minimum age obligation through the development of legislative rules
- Discuss YouTube’s consideration of broader Duty of Care and safety by design features

Their Objective:

YouTube requested a meeting with you to discuss the legislated minimum age for social media, recently introduced by the Online Safety Amendment (Social Media Minimum Age) Bill 2024.

Key Points:

Government’s intention to exclude YouTube from the minimum age obligation

1. On 29 November, the Bill was passed by the Parliament. The legislation empowers the Minister for Communications to make rules carving out services from the minimum age obligation. This is achieved by excluding them from the definition of “age-restricted social media platform”.
2. In your second reading speech, you confirmed the Government’s intention to use the rule-making power to exclude the following services from the minimum age obligation, in the first instance: messaging services, online games, services that primarily function to support the education and health of end-users, and YouTube.
3. These exclusions are reflected in the draft Online Safety (Age-Restricted Social Media Platforms) Rules 2024 (the Rules), on which the Department proposes to publicly consult between 20 January and 28 February 2025 (MS24-002309 refers).
4. The Rules exclude YouTube as an individual service, and not as part of a broader class or type of service. This avoids issues of describing YouTube by reference to a type of service that may inadvertently exclude a number of other services. In addition, while YouTube is relied on extensively as a source of information, its features and functions extend beyond what would be defined as an ‘education service’ in the Rules.

Digital Duty of Care:

5. YouTube engaged with the independent review of the *Online Safety Act 2021*, including through the Department, meeting the independent reviewer, Ms Delia Rickard PSM, and provided a submission (as part of Google's submission) to the review. YouTube indicated broad support for a duty of care approach, but does not support providing individuals with a right of action under the duty.
6. In its submission, Google (and YouTube) acknowledged that a duty of care is appropriate in a systemic regulatory model, but not for dealing directly with complaints. Obligations on services should be proportionate and limited to systemic failures to comply with the duty rather than addressing individual users. The submission also noted that risk mitigation measures must not raise any undue risks to a user's fundamental rights and that reporting on risks should be provided to the regulator and not published in order to prevent the release of sensitive information.

YouTube Shorts

7. The YouTube platform includes YouTube Shorts, which allows users to view short-form, user-generated video content of less than 3 minutes. The service features endless scroll and algorithmic recommender systems that are functionally similar to TikTok.
8. YouTube Shorts was introduced in 2020 as a direct competitor to other short-form video services, such as TikTok. The services often host the same content, with users regularly posting on both mediums to increase viewership and audience engagement.
9. As a feature of the broader YouTube platform, YouTube Shorts will also be excluded from the minimum age obligation through the legislative rules being developed. This may lead to criticisms about YouTube being carved out.
 - a. It is unclear whether rules can be used to exclude YouTube, without YouTube Shorts. Legal advice will be required about whether the rule-making power can be used in this way, and whether it would result in acquisition of property issues.

Sensitive and Critical Information: Nil

Cleared By: Sarah Vandebroek
Position: First Assistant Secretary
Division: Digital Platforms, Safety and
Classifications
Mob: s22(1)(a)(ii)

Contact Officer: s22(1)(a)(ii)
Section: Age Assurance Trial Taskforce
Ph: s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Consultation Timeline

ATTACHMENT A

BIOGRAPHICAL DETAILS

s47F

Name:

s47F

Position:

s47F

Organisation: YouTube

Biography:

s47F

s47F

Name:

s47F

Position:

Government Affairs Public Policy Lead –
Australia and New Zealand

Organisation: YouTube

Biography:

s47F

ATTACHMENT B

TALKING POINTSSocial Media Minimum Age Bill

- Thank you for your engagement to date, both in the legislation consultation and while the legislation was moving through the Parliament.
- This is landmark reform. The Government takes the safety of Australian children seriously, and the Bill will deliver greater protections for young Australians during critical stages of their development.
- You will be aware that the Bill introduces a minimum age obligation, which requires certain social media platforms to prevent Australians under the age of 16 from having an account.
- This requirement applies to ‘age-restricted social media platforms’, a term which has a wide definition, but that can be narrowed through legislative rules.
- As I stated in my letter to you this week, the Government has committed to using rules to exclude YouTube from the minimum age obligation, alongside messaging apps, online games, and services that primarily function to support the health and education of end users.
- The Government recognises that while YouTube undoubtedly functions as a source of entertainment and leisure, it is an important source of education and informational content, relied on by children, parents and carers, and educational institutions.
- As you have stated, engagement with YouTube increasingly occurs on TVs. This contrasts with other services offering long and short-form video content.
- I have instructed my department to commence developing the rules, to give effect to the definitional carve-outs, with the aim of publicly consulting on them in early-2025, before the rules are finalised and registered in Quarter 2, 2025.
- My department will reach out to ^{s47F} directly to seek feedback on the draft rules, as part of the public consultation process.

IF ASKED: Will YouTube be carved out as a class of services or individually?

- The intention is to exclude YouTube as an individual service. This avoids issues of attempting to describe YouTube by reference to a type of service that may inadvertently exclude a number of other services.
- My department can discuss this with you in further detail, once public consultation opens.

Online Safety Act Review and Digital Duty of Care

- I acknowledge the work YouTube is doing to improve the safety of its users, including for children. However, across the sector, platforms are not doing enough to keep Australians safe online.
- This is why the Government has committed to introducing a Digital Duty of Care, in line with approaches taken in the United Kingdom and European Union.
- This will require digital platforms to take reasonable steps to prevent foreseeable harms on their platforms and services, with the framework to be underpinned by risk assessment and risk mitigation, and informed by safety-by-design principles.
- The duty of care model is a key recommendation of the independent statutory review of the Online Safety Act undertaken by Delia Rickard.
- Thank you for engaging with Ms Rickard and the department throughout the independent review of the Online Safety Act.
- I received the final report of the review on 31 October 2024, and the Government is considering the 67 recommendations.
- The design and implementation of a duty of care will need careful consideration and I look forward to working with YouTube in developing the legislation to ensure we get it right.
- Are there specific matters YouTube would like the Government to consider in developing the Digital Duty of Care?

IF ASKED: When will the review report be released?

- The Government is taking the time it needs to consider the extensive report recommendations and is deciding the details of its release.
- The Online Safety Act requires me to table the report in Parliament within 15 sitting days of the report being handed to me.

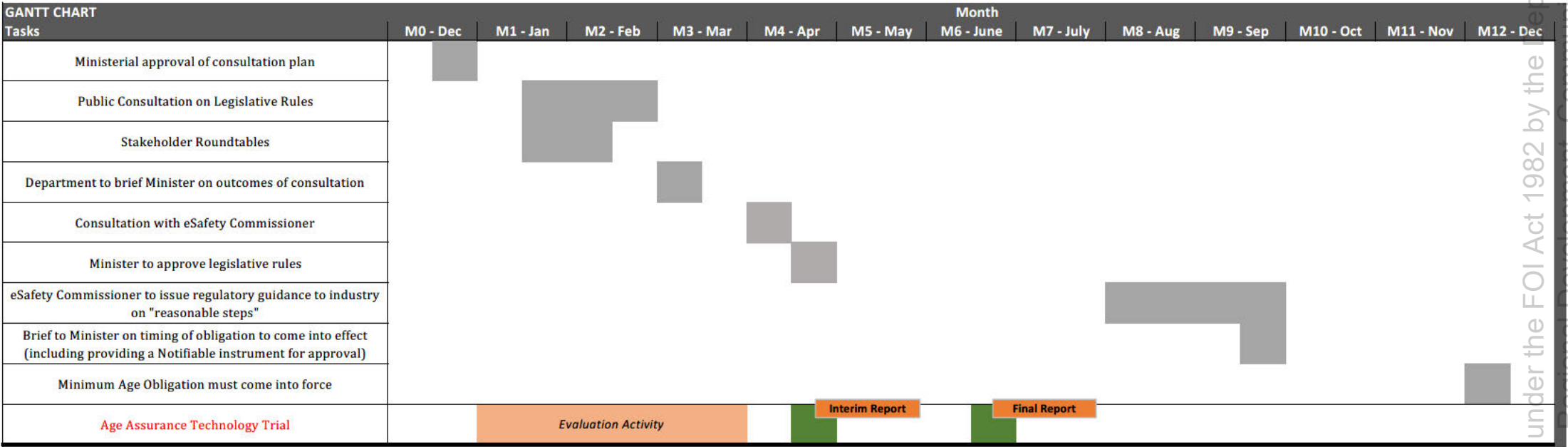
YouTube Shorts

- You may wish to ask ^{s47F} how he considers YouTube Shorts differs to TikTok.
- You may wish to ask ^{s47F} what steps YouTube is taking to address the risk of children becoming addicted and seeing inappropriate content on YouTube Shorts.
- You may wish to ask ^{s47F} how YouTube currently prevents children under 13 from having an account.

ATTACHMENT C

Consultation timeframes

Date	Item
20 Jan – 28 Feb 2025	Exposure draft consultation on legislative rules; targeted consultation with youth, parents and carers, academia, mental health and community groups, and industry
14 Mar 2025	Department to brief Minister on outcomes of exposure draft consultation
Late-Mar to Apr 2025	Minister to consult with eSafety Commissioner (and any other relevant agencies) on rules, as required under the legislation
May 2025	Minister to make rules (not required to go to ExCo) (disallowance period of 15 sitting days)
Early Dec 2025	Minimum age obligation must come into effect by this time



LETTER TO GOOGLE

[s47F

[cc s47F]

Dear s47F,

The *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (SMMA) passed the Parliament on 27 November this year, with support from the Coalition in the House and the Senate.

Thank you for your engagement to date, both in the legislation consultation and while the legislation was moving through the Parliament.

As you have noted, in my Second Reading speech and in subsequent media announcements, the Government made a commitment to exclude YouTube from the definition of an age-restricted service.

I am writing to reaffirm the commitment that a re-elected Labor Government would give effect to this definitional exclusion for YouTube video streaming services, including YouTube Kids.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) will soon commence consultation on the Exposure Draft Rules in early-2025 and I encourage your team to participate in that process.

I expect those Rules to be registered in Q2, 2025 with the disallowance period to apply. eSafety will then have carriage of implementing this definitional carve-out system with a December 2025 timeline to settle implementation overall.

I welcome further engagement with YouTube on a range of matters and propose a meeting take place on Friday 13 December with the YouTube CEO and relevant organisational representatives. I hope this meeting can cover broader Duty of Care and safety by design features being considered by YouTube, and engagement on YouTube Shorts.

Please contact my Deputy Chief of Staff, s22(1)(a)(ii), on s22(1)(a)(ii) in the interim if you wish to discuss this.

I look forward to continuing to work with you throughout 2025.

[Salutations]



The Hon Michelle Rowland MP

Minister for Communications
Federal Member for Greenway

s47F

CEO of YouTube
Google LLC, D/B/A YouTube
901 Cherry Ave
San Bruno CA 94066
USA

s47F

Dear s47F

The *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (SMMA) passed the Parliament on 27 November this year, with support from the Coalition in the House and the Senate.

Thank you for you and your team's engagement to date, both in the legislation consultation and while the legislation was moving through the Parliament.

As you would have noted in my Second Reading speech and the joint media statement with the Prime Minister upon passage of the legislation on 29 November, 2024, the Government made a commitment to exclude YouTube from the definition of an age-restricted service.

I am writing to reaffirm the commitment that a re-elected Labor Government would give effect to this definitional exclusion for YouTube video streaming services, including YouTube Kids.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) will soon commence consultation on the Exposure Draft Rules in early-2025 and I encourage your team to participate in that process.

I expect those Rules to be registered in Q2, 2025 with the parliamentary disallowance period to apply. eSafety will then have carriage of implementing this definitional carve-out system with a December 2025 timeline to settle implementation overall.

Thank you for your request to meet, as I welcome further engagement with YouTube on a range of matters. My office has held time for this meeting to take place on Friday 13 December, 2024 with you and your relevant YouTube Executive team members. Once

The Hon Michelle Rowland MP
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confirmed, I hope this meeting can cover broader Duty of Care and safety by design features being considered by YouTube, and engagement on YouTube Shorts.

Please contact my Deputy Chief of Staff, [REDACTED], on [REDACTED] in the interim if you wish to discuss this.

I look forward to continuing to work with you throughout 2025.

Yours sincerely



Michelle Rowland MP

9 / 12 / 2024

Cc: [REDACTED]

From: s22(1)(a)(ii)
Sent: Tuesday, 20 May 2025 4:43 PM
To: s22(1)(a)(ii); s22(1)(a)(ii)
Subject: FW: Meeting request - Meeting with YouTube - Friday 13 December - MB due to MO 11/11/24 @ 12 Noon ~~SEC PROTECTED~~

*I 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 Islander people.*

From: s22(1)(a)(ii) @MO.communications.gov.au>
Sent: Monday, 9 December 2024 2:50 PM
To: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>; Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>
Subject: RE: Meeting request - Meeting with YouTube - Friday 13 December - MB due to MO 11/11/24 @ 12 Noon
~~SEC-PROTECTED~~

s22(1)
(a)(ii)

~~PROTECTED~~

From: s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>
Sent: Monday, 9 December 2024 12:18 PM
To: s22(1)(a)(ii) <[REDACTED]@MO.communications.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@COMMUNICATIONS.gov.au>
Cc: Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>
Subject: Re: Meeting request - Meeting with YouTube - Friday 13 December - MB due to MO 11/11/24 @ 12 Noon
~~[SEC - PROTECTED, CAVEAT - SH.CABINET, ACCESS - Legal Privilege]~~

~~PROTECTED~~

Please sign to me. Thanks

~~PROTECTED~~

From: s22(1)(a)(ii) <[REDACTED]@MO.communications.gov.au>
Date: Monday 9 December 2024 at 11:42:47 am
To: s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@infrastructure.gov.au>; s22(1)(a)(ii) <[REDACTED]@COMMUNICATIONS.gov.au>
Cc: s22(1)(a)(ii) <[REDACTED]@MO.communications.gov.au>
Subject: Meeting request - Meeting with YouTube - Friday 13 December - MB due to MO 11/11/24 @ 12 Noon
~~[SEC - PROTECTED, CAVEAT - SH.CABINET, ACCESS - Legal Privilege]~~

~~PROTECTED, SH.CABINET, Legal Privilege~~

Hi All,

The Minister is meeting with YouTube on Friday 13 December 2024 at 11:00am. Grateful if you could please provide a short meeting brief and TPs – details below. As a heads up, Andrew has also received this MB request from the MO.

- PDR – MB24-000852
- What – Meeting with YouTube
- When – Friday 13 December 2024, 11:00am – 11:30am
- Where – Virtual
- Attendees –
 - Minister Rowland
 - s22(1)(a)(ii) [REDACTED], Deputy Chief of Staff
 - s22(1)(a)(ii) [REDACTED], Advisor
 - s47F [REDACTED], YouTube - s47F [REDACTED] - s47F [REDACTED]
- Who requested the meeting – YouTube
- Topics for the MB
 - Process for draft exposure rules relating to the *Online Safety Amendment (Social Media Minimum Age) Bill 2024*
 - Please see attached draft letter to YouTube
 - Definitional exclusion for YouTube video streaming services
 - Duty of care and safety by design features being considered by YouTube
 - Please see attached email from YouTube CEO.
- Relevant adviser – s22(1)(a)(ii) [REDACTED]

If it is easier, the MO is happy for this meeting brief to be consolidated with the ministerial submission on the broader work coming up to the MO this Wednesday.

Grateful if you could please let me know who to assign to in PDMS. Apologies for the tight turnaround, this brief is due to the MO by 12:00pm, Wednesday 11 December.

Many thanks,

s22(1)
(a)(ii)

s22(1)(a)(ii))

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

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

M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

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

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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.

~~PROTECTED, SH: CABINET, Legal Privilege~~

This material contains information that may be subject to legal professional privilege.

Draft Rules targeted consultation – key points

Industry meetings

Agenda item	Key points
s22(1)(a)(ii)	

Agenda item	Key points
s22(1)(a)(ii)	
Google 18 February 2025	<ul style="list-style-type: none">• Google indicated that YouTube's use case is distinct from other social media services, and public sentiment is that it's primarily a video sharing platform.• Google noted that teachers use YouTube as a complementary tool inside and outside the classroom for education purposes. Being included in the SMMA obligation would remove access for school purposes.

Agenda item	Key points
	<ul style="list-style-type: none">• Google expressed that the policies for YouTube Shorts are the same as YouTube and are subject to the same community guidelines. Signed in 13 to 17 year olds get break and bedtime reminders, with more extensive controls for under 16s. The auto-play feature is off by default for under 18s.<ul style="list-style-type: none">◦ Google noted that Additional protections apply to YouTube Kids – extensive parental supervision controls, no personalised ads and no auto-play.• Signed in users will not be shown restricted content unless there is confidence that they are 18+. The system will ask for a selfie or ID if a user tries to dismiss warnings.• Google noted a recent announcement that they will roll out age estimation internationally.• Google noted that it is safer for children to have their own account, as using a parent's account will treat them as 18+ and may expose children to age inappropriate material.

s22(1)(a)(ii)

Agenda item	Key points
s22(1)(a)(ii)	

Agenda item	Key points
s22(1)(a)(ii)	

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Agenda item	Key points
s22(1)(a)(ii)	


Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Agenda item	Key points
s22(1)(a)(ii)	

Agenda item	Key points
s22(1)(a)(ii)	

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

b2(1)(a)(ii)



Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts