September 10, 2021

Director
Director, Online Safety Reform and Research Section
Department of Infrastructure, Transport, Regional Development and Communications

████████████
██████████████

██████████████████████████████████████

Submission to the Draft Online Safety (Basic Online Safety Expectations) Determination 2021 consultation

We are pleased to have this opportunity to contribute to online safety reform.

Family Zone is a world leader in cyber safety, and one of the world's largest providers of solutions to schools, parents and the broader community. Our mission is to support and protect every child's digital journey and today we service in excess of 18,000 schools and 10 million users worldwide covering 38% of the UK and 8% of US schools markets.

Our team contains world leaders in online safety education, intervention and technology. We believe we are uniquely positioned to contribute to this reform. We work day in and day out at the coal-face of the challenge of online safety.

We consider the idea behind setting online safety expectations to be of enormous merit. Indeed, we believe expectations should be extremely high for all participants in the delivery of digital services to children. In our submission with respect to the Online Safety Act we urged and reiterate our strong view that online safety expectations should:

1. cover all of the industry segments identified in the Online Safety Act;
2. be extended to specifically cover the operating systems providers (Google, Apple and Microsoft);
3. be broadened to expect that online platforms, marketplaces and operating systems interoperate with online safety technologies; and
4. be subject to more substantial enforcement mechanisms than enacted.

Our emphasis on the operating systems providers and technical interoperability is a function of the critical dependency the community now has on Google, Apple & Microsoft in cyber safety. The evolution of technology now

requires 'on-device' approaches to monitor and intervene in activity which has resulted in these companies becoming the literal gatekeepers of internet safety. Concerningly their closed ecosystems in consumer markets and their practices of commercial discrimination and self preferencing have become the key barrier to a safer internet.

With respect to the current construction of the Basic Online Safety Expectations we offer these suggestions. These are based on our hands-on experience and knowledge of what is possible. Should these measures become ubiquitous then there would be material improvements in safety outcomes.

1. *Video services:* We urge that it be made clear that video distribution, streaming and conferencing services are explicitly covered by the Basic Online Safety Expectations.
2. *Safety Guidelines:* We suggest that guidelines be developed for industry on what may be considered safe and unsafe features (e.g. unmoderated messaging, disappearing messages, location tracking) and content for each maturity level.
3. *Maturity-based APIs:* We urge that *'reasonable steps'* in the Basic Online Safety Expectations be extended to incorporate *Maturity-based APIs.* These are technical features that allow online safety app developers and operating systems to ensure only age appropriate content and features are made available for individual users. Such APIs are provided by Google in Google Search and YouTube and represent best practice in online safety today.
4. *Embedded third-party moderation and filtering:* This refers to embedding third-party moderation and content filtering services inside apps (eg social media and gaming). These AI-driven services are developing rapidly and can intervene in inappropriate behaviour (eg cyberbullying, cyber-abuse, sexting) and can prevent distribution of harmful content. The recommendation for use of third-party provided services is because online platforms (social media and gaming) have inherent and irreconcilable conflicts with respect to feature engagement and content distribution.
5. *Empower parents:* We urge that suggested *reasonable steps* include effective options for parents and guardians to be able to configure and access backups of messages.
6. *Standard agreements:* We urge the mirroring of Part 23 of the Telecommunications Act, which sets out a regime of standard forms of agreement. This has been a highly-effective measure to improve transparency and consumer outcomes.

We provide more detail and cross references in the enclosed pages.

Thank you for the opportunity to provide input into this important review. We believe through our practical suggestions, a safe internet is possible and within reach.

We look forward to working with the Government and the eSafety Commissioner on making Australia the world leader in online safety.

Yours sincerely
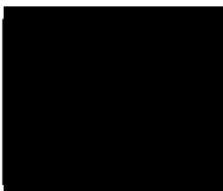
Tim Levy
Managing Director
Family Zone

Specific Observations

Section	Comments & Recommendations
Part 2, Division 1 5 Purpose of this Part	**Is YouTube covered?** This section specifies the basic online safety expectations are for: - Social media services; - Relevant electronic services (being messaging, email and chat services and online games); and - Designated internet services (being telecommunications services). Social media services are defined in s13 of the Online Safety Act as (inter alia) referring to services where the sole or primary purpose is to enable the social interaction between two or more end-users. It is not clear whether the world's most popular content distribution platform for children, YouTube, is covered. **Recommendation** We recommend basic online safety expectations be explicitly extended to apply to video streaming and video conferencing services.
Part 2, Division 2 6 Expectations *Core expectations* Sub Section 1	**Clarification of "safe manner"** Clause (1) states: *The provider of the service will take reasonable steps to ensure that end-users are able to use the service in a **safe manner**.* The term 'safe manner' is not defined. **Recommendation** We urge the Government to develop guidance on what is, and is not, considered a **safe manner.**
Part 2, Division 2 6 Expectations *Reasonable steps that could be taken* Sub Section 3	**Reasonable steps - default restrictions** This subsection suggests a practice of defaulting features to a child/restrictive level, with methods presumably implemented to prove maturity for such restrictions to be removed. **Recommendation** We urge the Government to develop guidance on what is, and is not,considered safe for different maturity levels.
Part 2, Division 2 6 Expectations *Reasonable steps that could be taken* Sub Section 3	**Reasonable steps - maturity-based APIs** We would like to suggest a measure which would make a significant contribution to online safety. This is "Maturity-Based API's", which is a feature already offered by Google in YouTube and Search. Google's Search and YouTube are the most popular services of their type on the internet.

	Google offers maturity level restrictions in these services, known as Safe Search and Age Restrictions respectively. Google also provides online safety app developers with the ability to direct users to the relevant maturity level of these services based on a programming interface (API). In simple terms this means online safety apps can very effectively ensure children are blocked from adult material, unmoderated chat and offensive language and so on. **Recommendation** We urge the Government to add the publication and support of APIs for use by online safety applications to the suggested *reasonable steps,* in order to ensure users are directed to maturity level appropriate content and services.

Part 2, Division 2
8 Additional
expectations
	Use of encryption
	
	The increasing use of encryption inside social media & gaming apps creates a significant challenge for the custodians of children (schools and parents) to monitor and moderate online activity.
	
	This section (8) asks that online services take reasonable steps to detect and address unlawful and harmful material. We suggest more specific suggestions be made in Section 6 Subsection 3.
	
	Recommendation
	We urge the Government to extend the suggested *reasonable steps* in Section 6 Subsection 3 to include an expectation that online services include third-party provided:
	    1. *Moderation services.* These AI-driven services are developing rapidly and can intervene in inappropriate behaviour such as cyberbullying, cyber-abuse etc.
	    2. *Content filters.* These AI-driven services are developing rapidly and can present the distribution of harmful material.
	
	The recommendation for use of third-party provided services is because online platforms (social media and gaming) have inherent and irreconcilable conflicts with respect to feature engagement and content distribution.
	
	We urge the Government to extend the suggested *reasonable steps* in Section 6 Subsection 3 to include effective options for parents and guardians to be able to configure and access backups of messages.

Part 2, Division 3 12 Core xpectation *Reasonable steps that could be taken* Sub Section 2	**Reasonable steps - maturity-based APIs** As discussed above, the maturity-based restrictions and associated APIs provided by Google offer a template for what is best practice in online safety. We urge that such an approach be adopted as recommended steps. **Recommendation** We urge the Government to extend the *reasonable steps* to include the creation of APIs for use by online safety applications to direct users of identified maturity levels to appropriate content and services.
Part 2, Division 3	**Standard form agreements**

14 Additional expectation	We urge the government to consider mirroring Part 23 of the Telecommunications Act which sets out a regime of standard forms of agreement. This has been a highly-effective measure to improve transparency and consumer outcomes. **Recommendation** We urge the Government to consider establishing standard agreements such as terms of use, privacy and end user licensing agreements for providers of social media and gaming apps used by children.

ends