

Online Safety Branch
Online Safety, Media & Platforms Division
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts

Via e-mail: BOSEreforms@communications.gov.au



23 February 2024

To the Online Safety Branch,

SBS submission – draft Online Safety (Basic Online Safety Expectations) Amendment Determination 2023

The Special Broadcasting Service (**SBS**) appreciates the opportunity to respond to the draft Online Safety (Basic Online Safety Expectations) Amendment Determination 2023 (the **Amendment Determination**) and its Consultation Paper (the **Consultation Paper**), which seek to amend the *Online Safety (Basic Online Safety Expectations) Determination 2022 (BOSE Determination)*.

SBS supports proper controls that mitigate risks of harmful material being available online and ensure Australians, including children, can confidently take advantage of the benefits of the online environment

This submission proposes that the measures set out in the Amendment Determination should be amended so as to apply variably depending on the risk level associated with the service provided. Under this approach, the measures would be applicable primarily to, higher-risk service providers, rather than the proposals being applicable to *all* online service providers including very low-risk ones—such as SBS.

SBS's online services are inherently very low-risk in relation to the harms that the Amendment Determination is seeking to address. This is partly due to the nature of the services, but is also due to the extensive, accessible, transparent and long-standing protective and accountability framework which already apply to SBS's services. This means there is no justification for the application of duplicative, unnecessary and burdensome new obligations to SBS's services. The regulatory focus would be better applied selectively to those services which are more likely to be at risk of providing harmful material.

SBS's online services are inherently low-risk

As noted above, SBS's online services are by their nature low risk. SBS is a regulated public media service that is subject to a number of robust oversight and accountability mechanisms. SBS provides professionally produced material and content in the public interest, in line with its legislated Charter as an independent and trusted public institution. SBS's online services primarily consist of on-demand, professionally produced audio-visual content, on-demand professionally produced audio content, and published journalism, news and information services.

Harmful class 1 and class 2 material as defined in section 106 and 107 of the *Online Safety Act 2021* (the **Act**) does not appear on any of SBS's services. Further, all of SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users. Therefore, no harmful content or activity such as cyber-bullying, or cyber abuse material, can be uploaded or generated by end-users of SBS's own online services.

Special Broadcasting Service

Locked Bag 028, Crows Nest NSW 1585 Australia
14 Herbert Street, Artarmon NSW 2064 Australia sbs.com.au
Tel: +61 2 9430 2828

ABN: 91 314 398 574



In addition, there are extensive protective measures which already apply to SBS's services, notwithstanding this low risk profile.

All of SBS's online services are subject to multiple control mechanisms including the overarching SBS Code of Practice (the **SBS Code**) publicly available ([here](#)) which applies across platforms, and is registered with the regulator, the Australian Communications and Media Authority (ACMA). The ACMA has the power to investigate and make findings regarding potential breaches of the SBS Code. Other control mechanisms include, but are not limited to, SBS's rigorous editorial protocols and checks, the publicly available and updated (by taking into account, and in compliance with, the Online Safety framework, among other things) [SBS Terms of Service](#) ('Terms and Conditions'), [Social Media Protocol](#), and [Privacy Policy](#). Complaints in relation to SBS services have possible recourse to the independent SBS Ombudsman, the ACMA, as well as eSafety (as stated in the updated SBS Terms and Conditions).

SBS services and content are also subject to relevant laws including the *Criminal Code Act 1995* and the *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* (which regulate abhorrent violent material). Any third-party advertising present on SBS's online services must also comply with a range of Advertising Codes made by the AANA (Australian Association of National Advertisers) and administered by the advertising regulator, Ad Standards.

As noted above, where appropriate, SBS's services and their control mechanisms have been and will continue to be, updated in line with any upcoming regulatory changes and requirements (for example, in relation to the commencement of the Act and BOSE Determination in 2022),

It is therefore our view that the Amendment Determination, as currently drafted, is too broad in its remit, would duplicate existing protections and would impose unnecessary compliance burdens on services with existing robust regulatory frameworks that possess very low risk of providing harmful material—such as those of SBS. If the Amendment Determination comes into force as currently drafted, this could result in additional administrative burden on SBS and diversion of its valuable and limited taxpayer-funded resources, away from the production of content in the public interest.

As SBS recommends above, a tier-based approach would also mean that the Amendment Determination is more harmonised with the proposed draft Online Safety (Designated Internet Services – Class 1A and Class 1B Material) Industry Standard 2024 (the **Proposed Standard**).

Pursuant to the Proposed Standard, SBS would likely fall into the Tier 3 category—which is the lowest-risk tier in relation to provision of harmful material—and thus, should not be subject to further regulatory obligations as currently proposed in the draft Amendment Determination.

Attached with this submission, please find an Appendix which sets out comments in response to a range of specific proposals in the Amendment Determination.

Should you have any queries, please do not hesitate to contact [REDACTED] (A/g SBS Head of Regulatory and Government Affairs) at [REDACTED]

Yours sincerely,

[REDACTED]

Clare O'Neil
SBS Director of Corporate Affairs

APPENDIX – SBS COMMENTS IN RELATION TO THE PROPOSALS OF THE AMENDMENT DETERMINATION

These comments are provided in response to the Amendment Determination's proposals (not exhaustively extracted)—to demonstrate that the proposals should apply on a tiered basis and be more clearly targeted towards, and applicable only to, higher-risk service providers. It is unwarranted to apply additional compliance burdens to very low-risk online service providers, including SBS.

I. Proposals in relation to generative AI, recommender system, and user controls

Proposals (extracted, emphasis may be added)	SBS comments
Additional expectation – transparency reporting	
<p>Proposal 1: Proposed section 8A – <i>provider will take reasonable steps regarding generative artificial intelligence capabilities</i></p> <ul style="list-style-type: none"> • <i>Regular transparency reports must be published</i> • <i>Its information and data must be specific to Australia</i> 	<p>SBS does not have in-house, nor does it provide to the public or end-users, generative AI capabilities. Therefore, this proposal is not relevant to SBS's online services.</p>
Additional expectations – Recommender systems	
<p>Proposal 2: Proposed section 8B – <i>provider will take reasonable steps regarding recommender systems</i></p> <p>(1) <i>If the service uses recommender systems, the provider of the service will take reasonable steps to consider end-user safety and incorporate safety measures in the design, implementation and maintenance of recommender systems on the service.</i></p> <p>(2) <i>If the service uses recommender systems, the provider of the service will take reasonable steps</i></p>	<p>SBS only recommends content <i>within</i> its own ecosystem or services, and such content is of very low risk of being unlawful or harmful thanks to a number of robust oversight and accountability mechanisms in place at SBS. All classified SBS content does not exceed MA15+ Classification. Therefore, these proposed steps are not necessary for, and should not apply to, SBS's online services.</p> <p>Any third-party advertising present on SBS's online services must also comply with control mechanisms, including a range of Advertising Codes administered by the advertising regulator, Ad Standards. These mechanisms are already in place to limit harm in online advertisements.</p> <p>Importantly, all of SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with</p>

<p style="text-align: center;">Proposals</p> <p style="text-align: center;">(extracted, emphasis may be added)</p>	<p style="text-align: center;">SBS comments</p>
<p><i>to ensure that recommender systems are designed to minimise the amplification of material or activity on the service that is unlawful or harmful.</i></p> <p>(3) <i>Without limiting subsection (1) and (2), reasonable steps for the purpose of this section could include the following:</i></p> <p style="padding-left: 40px;">(a) <i>ensuring that assessments of safety risks and impacts are undertaken, identified risks are appropriately mitigated, and safety review processes are implemented throughout the design, development, deployment and post deployment stages of recommender systems;</i></p> <p style="padding-left: 40px;">(b) <i>providing educational or explanatory tools (including when new features are integrated) to end-users that promote understanding of recommender systems on the service, their objectives, and any risks associated with such systems;</i></p> <p style="padding-left: 40px;">(c) <i>enabling end-users to make complaints or enquiries about the role recommender systems may play in presenting material or activity on the service that is unlawful or harmful.</i></p>	<p>other end-users—in other words, no harmful user-generated content can be recommended by SBS's own online services.</p> <p>SBS has in place a robust and industry-leading complaint handling mechanism that had been updated as the Act and BOSE Determination commenced in 2022—to ensure it appropriately handles online safety complaints. SBS's complaint handling mechanism includes the use of industry-leading Zendesk online customer service tool; whereby a recourse of a complaint to the independent SBS Ombudsman, the ACMA, as well as eSafety (as clearly stated in the updated SBS Terms of Service ('Terms and Conditions')) is also available—for a complainant to utilise, or if the complainant is unsatisfied with SBS's complaint handling.</p> <p>Therefore, SBS submits that this proposal should not apply to SBS's online services.</p>
<p>Additional expectation – user empowerment controls</p>	

<p style="text-align: center;">Proposals</p> <p style="text-align: center;">(extracted, emphasis may be added)</p>	<p style="text-align: center;">SBS comments</p>
<p>Proposal 3: Proposed subsection 6(5) will <i>create a new additional expectation which provides:</i></p> <p>(5) <i>The provider of the service will take reasonable steps to make available controls that give end users the choice and autonomy to support safe online interactions.</i></p> <p>(6) <i>Without limiting subsection (5), reasonable steps for the purposes of that subsection include the following:</i></p> <p style="padding-left: 40px;">(a) <i>making available blocking and muting controls for end-users;</i></p> <p style="padding-left: 40px;">(b) <i>making available opt-in and opt-out measures regarding the types of content that end-users can receive;</i></p> <p style="padding-left: 40px;">(c) <i>enabling end-users to make changes to their privacy and safety settings.</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Extract information from the Consultation Paper</u></p> <p>Paragraph (6)(c) provides that end-users should be able to make changes to their privacy and safety settings. Providing users with autonomy over their privacy and safety settings is critical to ensure that end-users can engage with a service in a manner that suits their particular preferences, context and concerns. However, this should not prevent services from setting particularly robust and restrictive default settings in particular</p> </div>	<p>All of SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users.</p> <p>SBS's online services, unlike social media services', do not 'feed' content to end-users. End-users must choose to visit an SBS's online service (or website) and click, thus 'opt-in', upon a piece content that they wish to consume, which inherently grants them choice and autonomy</p> <p>Where applicable, prior to the commencement of the content, SBS provides appropriate Classification and/or warning—relevant to the nature of that content, including news and current affairs. (It is also important to note that certain material relates to a news report, or a current affairs report is exempt by the Act.) This is another opportunity for users to make an autonomous choice.</p> <p>Indeed, end-users, at any time, can choose not to, or cease to view SBS's content, thus 'opting out' is in-built in SBS's online services.</p> <p>SBS already goes further than other media providers in allowing users to opt out of receiving certain categories of advertising on SBS On Demand, being wagering, alcohol or quick service restaurants.</p> <p>SBS's end-users are also able to change their Privacy settings, please see the SBS Privacy Policy here. The SBS Privacy Policy is also regularly updated, taking into account and in compliance with, among other things, the Online Safety framework.</p> <p>Further, SBS Terms of Service ('Terms and Conditions'), available on all SBS online services, also provide a link through which an end-user may lodge a complaint (through utilising SBS's complaint system, which had been updated to handle online safety complaints, as outlined above). SBS also provides the pathway for lodging a complaint with the independent SBS Ombudsman</p>

<p style="text-align: center;">Proposals</p> <p style="text-align: center;">(extracted, emphasis may be added)</p>	<p style="text-align: center;">SBS comments</p>
<p>contexts, such as for services or components of services that are targeted at, or used by, children (see the example of a reasonable step in paragraph 6(3)(b)).</p> <p>The examples mentioned above are only some of the user empowerment controls that service providers <i>could</i> employ. Other controls should also be considered such as tools to flag content, providing links to external reporting options (such as eSafety, feedback on reports or complaints made, and providing education and information on how users can keep themselves safe (such as through pop-up warnings when an end-user is about to engage in activity such as sharing personal information).</p>	<p>(through SBS's complaint system), as well as a link to the eSafety website, which is clearly provided in SBS's Terms and Conditions.</p> <p>Relevant to paragraph (6)(c)—the SBS On Demand service is only covered by the Act with respect to particular content (e.g. online only material, and other defined categories). SBS restricts the age of SBS On Demand account holders to 15. Whilst SBS does permit user accounts between the ages of 15 and 18, our service is not targeted at children and has a negligible child audience. For accounts where the user is under the age of 18, SBS implements additional protective measures (e.g. those accounts are not added to segments for targeted digital advertising).</p> <p>Given the above, application of this proposal to SBS's online services is unwarranted, as relevant mechanisms are already in place to support online safety.</p>

II. Proposals in relation to the best interests of the child and preventing access to age inappropriate materials online

<p style="text-align: center;">Proposals</p> <p style="text-align: center;">(extracted, emphasis may be added)</p>	<p style="text-align: center;">SBS comments</p>
<ul style="list-style-type: none"> • <i>The provider of the service will take reasonable steps to ensure that the best interests of the child are a primary consideration in the design and operation of any service that is used by, or accessible to, children.</i> • <i>implementing appropriate age assurance mechanisms;</i> • <i>continually seeking to develop, support or source, and implement improved technologies and processes for preventing access by children to class 2 material.</i> 	<p>As above, the SBS On Demand service, is only covered by the Act in relation to particular content,</p> <p>SBS On Demand accounts are only available to individuals aged 15 and over. In relation to users between 15 and 18, SBS takes seriously its obligations to protect their information and use of our service; and as noted above, we apply several safeguards to any under 18 accounts.</p>

	<p>SBS does not provide class 2 material online, to anyone including children. As above, where applicable, prior to the commencement of the content, SBS provides appropriate Classification and/or warning relevant to the nature of the content.</p> <p>As the online age-verification and/or age-assurance framework in Australia is currently under development by Government, the Amendment Determination should take this into account before it is being finalised. SBS will carefully consider any relevant or further Government initiatives, consultation, or proposed regulation.</p>
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III. Proposals in relation to Safety impacts of business and resourcing decisions

Proposals (extracted, emphasis may be added)	SBS comments
<i>Reasonable step regarding business decisions affecting user safety</i>	

<p>Proposal 1: Proposed paragraph 6(3)(f)</p> <p><i>assessing whether business decisions will have a significant adverse impact on the ability of end users to use the service in a safe manner and in such circumstances, appropriately mitigating the impact;</i></p>	<p>Online safety has been and will continue to be a significant business consideration by SBS Management. There is no evidence of failure which would warrant the application of such a wide-ranging obligation to SBS's services.</p>
<p>Reasonable steps regarding resourcing and investment</p>	
<p>Proposal 2: Proposed paragraph 6(3)(g) is a new example of a reasonable step to support services to respond to reports and complaints within a reasonable time (as required by new subsection 14(3)):</p> <p><i>(g) having staff, systems, tools and processes to action reports and complaints within a reasonable time in accordance with subsection 14(3);</i></p>	<p>As outlined above, SBS already has in place, and continues to invest in its robust and industry-leading complaint-handling mechanisms, as well as the independent SBS Ombudsman. This includes SBS's investment in the industry-leading Zendesk customer service tool, which had been specifically updated as the Act and BOSE Determination commenced in 2022—to ensure the tool appropriately handles online safety complaints.</p> <p>SBS's customer satisfaction regarding its handling of feedback is very high, currently at 85 per cent, compared to the industry's 78 per cent; and SBS's</p>

	<p>median full resolution time is at 11 hours and 12 minutes, compared to the industry's 89 hours.¹</p>
<p>Proposal 3: Proposed paragraph 6(3)(h) is a <i>new example of a reasonable step to ensure that end-users are able to use the service in a safe manner:</i></p> <p style="padding-left: 40px;"><i>(h) investing in systems, tools and processes to improve the prevention and detection of material or activity on the service that is unlawful or harmful;</i></p>	<p>As outlined in this submission, SBS online services possess very low risk of providing unlawful or harmful material, and that there is no capability for user-generated content or activity available on any of SBS's own services.</p> <p>All of SBS's online services are subject to multiple control mechanisms including the overarching SBS Code, publicly available (here) and registered with the regulator, the Australian Communications and Media Authority (ACMA)—which has the power to determine whether SBS breaches the SBS Code. Other control mechanisms include, but are not limited to, SBS's rigorous editorial protocols and checks, the publicly available and updated (by taking into account the Online Safety framework) SBS Terms of Service ('Terms and Conditions'), Social Media Protocol, and Privacy Policy. Complaints in relation to SBS services have possible recourse to the independent SBS Ombudsman, the ACMA, as well as eSafety (as stated in the updated SBS Terms and Conditions).</p> <p>SBS services and content are also subject to relevant laws including the <i>Criminal Code Act 1995</i> and the <i>Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019</i> (which regulate abhorrent violent material). Any third-party advertising present on SBS's online services</p>

¹ During Q2 financial year 2023-24, source: Zendesk Q2 FY2023-24: (01/010/2023 – 31/12/2023). All Industry benchmarks are based on global Zendesk data, metrics: Customer Satisfaction and Median Full Resolution Time.

	<p>must also comply with a range of Advertising Codes administered by the advertising regulator, Ad Standards.</p> <p>There is an extremely low risk of harmful material being accessible on SBS's online services.</p>
<p>Designated contact point</p>	
<p>Proposal 4: For the avoidance of doubt, a new explanatory note will be included at the end of subsection 21(1) stating that:</p> <p style="padding-left: 40px;">The provider of the service is expected to have a designated contact point regardless of whether the service has staff physically located in Australia.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Extract information from the Consultation Paper:</u></p> <p>This is intended to ensure that where a service provider, who previously had staff physically located in Australia, decides to cut staff or move staff overseas, they will still be expected to provide the Commissioner with a designated contact point.</p> </div>	<p>The SBS Help Centre, and a range of ways to contact SBS, are readily available and accessible via the SBS Website (here). All SBS Audience Relations and complaint-handling staff are located in Australia. The application of a new regulatory obligation to SBS is not justified in these circumstances.</p>

IV. Proposal in relation to hate speech

Extract information from the Consultation Paper: 'For the purposes of paragraph 6(3)(i), **hate speech is a communication by an end-user [...]**'

As outlined above in this submission, all of SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users, including hate speech.

V. Proposals in relation to transparency

Proposals (extracted, emphasis may be added)	SBS Comments
Additional expectation – Transparency reporting	
<p>Proposal 1: Proposed section 18A will create a new additional expectation which provides:</p> <p><i>Section 18A – Additional expectation – provider will publish transparency reports</i></p> <p>(1) <i>The provider of the service will publish regular transparency reports, at regular intervals of no less than 1 month and no more than 12 months, with information regarding:</i></p> <ul style="list-style-type: none"> (a) <i>the service’s enforcement of its terms of use, policies and procedures and standards of conduct mentioned in section 14;</i> (b) <i>the safety tools and processes deployed by the service (including in relation to a service’s key features), and their effectiveness;</i> (c) <i>metrics on the prevalence of harms, reports and complaints, and the service’s responsiveness; and</i> (d) <i>the number of active end-users of the service in Australia (including children) each month during the relevant reporting period.</i> 	<p>The <u>SBS Code</u>, <u>SBS Terms of Service</u> (‘Terms and Conditions’), <u>Social Media Protocol</u>, and <u>Privacy Policy</u> are already transparently available on the SBS Website. These are also regularly reviewed and updated, taking into account and in compliance with the Online Safety framework, among other things.</p> <p>As a regulated Commonwealth entity, SBS must also regularly publish its comprehensive Corporate Plan, and Annual Report pursuant to the <i>Public Governance, Performance and Accountability Act 2013</i>.</p> <p>Any additional reporting obligations by SBS are unnecessary because, by nature, SBS online services possess very low risk of providing harmful material pursuant to the Act, as outlined above, and are subject to substantial existing transparency requirements. For example, the SBS Annual Report publishes information about the nature and outcomes of complaints and investigations by the SBS Ombudsman. This proposal should not apply to SBS’s online services.</p>

- (2) For the purpose of paragraphs 1(a) to (d), the information and data contained in a transparency report must be specific to Australia, unless to do so is not reasonably practicable.
- (3) For the purposes of this section, a transparency report must:
- (a) identify each relevant service a provider provides (where applicable);
 - (b) set out the information regarding the matters in paragraph (1)(a) – (d) separately, in respect of each service provided by a provider; and
 - (c) be published within a reasonable time of the end of the relevant reporting period to which the report relates.

Additional expectation – Reporting on Australian end-usage of services

Proposal 2: Proposed subsection 20(5) is a new additional expectation which will provide:

*Notwithstanding section 18A, if the Commissioner, **by written notice** given to a provider of the service, requests the provider to give the Commissioner **a report on the number of active end-users of the service in Australia (including children)** during a specified period, the provider will comply with the request within 30 days after the notice of request is given.*

This proposal should be implemented on a tier-based (or category-based) approach. SBS submits that this proposal should not apply to SBS's online services, as they possess very low risk of providing harmful material pursuant to the Act.

As above, since the online age-verification and/or age-assurance framework in Australia is currently under development by Government, the Amendment Determination should take this into account before being finalised. SBS will carefully consider any relevant or further Government initiatives, consultation, or proposed regulation.

	<p>Also as above, the SBS On Demand service, while partially covered by the Act, is age-restricted. The service clearly states this, and minors are unable to register to use SBS On Demand.</p>
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VI. *Proposal in relation to enforcement of terms of use*

Proposals (extracted, emphasis may be added)	SBS comments
Detecting breaches of terms of use, policies and procedures and standards of conduct	
<p>Proposal 1: Proposed subsection 14(1A)</p> <p><i>The provider of the service will take reasonable steps (including proactive steps) to detect breaches of its terms of use and, where applicable, breaches of policies and procedures in relation to the safety of end-users, and standards of conduct for end-users.</i></p> <div data-bbox="224 722 981 1082" style="border: 1px solid black; padding: 5px;"> <p>Extract information from the Consultation Paper:</p> <p>Reasonable steps that service providers could take include technological interventions that detect material and activity that may breach their terms of use, policies and procedures and standards of conduct, either before it is created, uploaded or shared on a service, or immediately after it is provided on the service.</p> </div>	<p>This proposal should not apply to SBS, as SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users. Given the low risk profile of SBS's online services, additional regulatory obligations such as these are not warranted.</p>
Enforcement of policies and procedures and standards of conduct, and readily identifiable reporting mechanisms	
<p>'...relating to what material end-users can create and share on the service (such as prohibitions on creating and sharing class 1 material, hate speech, cyber abuse and cyberbullying) and what kind of activities are permitted (and not permitted)...'</p>	<p>This should not apply to SBS, as SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users.</p>

Additional expectation – Timely resolution of complaints and reports

Proposal 3: Proposed subsection 14(3) (accompanied by new subsections 14(4) and 14(5)) will create a new additional expectation which provides:

(3) *The provider of the service will, within a reasonable period of time:*

(a) *review and respond to reports and complaints mentioned in sections 13 and 15; and*

(b) *provide feedback on the action taken.*

(4) *For the purposes of subsection (3), in determining 'a reasonable period of time', the provider must have regard to:*

(a) *the nature and impact of the harm that is the subject of the report or complaint;*

(b) *the complexity of investigating the report or complaint; and*

(c) *any other relevant matters.*

(5) *For the purposes of paragraph (3)(a):*

(a) **review** *means considering a report or complaint when it is first made; and*

(b) **respond** *means taking and implementing a decision to have content removed and reported, have an end-user banned, or other content moderation decisions, or a decision to take no action.*

As above, SBS's customer satisfaction regarding its handling of feedback is very high, currently at 85 per cent, compared to the industry's 78 per cent; and SBS's median full resolution time is at 11 hours and 12 minutes, compared to the industry's 89 hours.²

Also as above, SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users.

Proactive prevention of recidivism through use of anonymous accounts	
<p>Proposal 4: Amended paragraph g(2)(a) provides that a <i>reasonable step to prevent anonymous accounts from being used to deal with material or activity that is unlawful or harmful is:</i></p> <p><i>having processes, including proactive processes, that prevent the same person from repeatedly using anonymous accounts to post material, or to engage in activity, that is unlawful or harmful;</i></p>	<p>As above, SBS's own online services do not provide any functionalities for end-users to upload, post, or generate any content or interactive activity with other end-users, including unlawful or harmful material or activity.</p> <p>SBS submits that this proposal should not apply to SBS's online services.</p>

VII. Proposals in relation to other clarifications and improvements

Proposals (extracted, emphasis may be added)	SBS comments
Assessments of safety risks and mitigations	
<p>Proposal 1: Amended paragraph 6(3)(e) will provide that an example of a reasonable step to ensure that end-users are able to use the service in a safe manner by:</p> <p><i>ensuring that assessments of safety risks and impacts are undertaken, identified risks are appropriately mitigated, and safety review processes are implemented, throughout the design, development, deployment and post-deployment stages for the service;</i></p>	<p>As above, SBS online services possess very low risk of providing unlawful or harmful material.</p> <p>All of SBS's online services are subject to multiple control mechanisms including the overarching SBS Code, publicly available (here) and registered with the regulator, the Australian Communications and Media Authority (ACMA)—which has the power to determine whether SBS breaches the SBS Code. Other control mechanisms include, but are not limited to, SBS's rigorous editorial protocols and checks, the publicly available and updated (by taking into account the Online Safety framework) SBS Terms of Service ('Terms and Conditions'), Social Media</p>

² During Q2 financial year 2023-24, source: Zendesk Q2 FY2023-24: (01/010/2023 – 31/12/2023). All Industry benchmarks are based on global Zendesk data, metrics: Customer Satisfaction and Median Full Resolution Time.

	<p>Protocol, and Privacy Policy. Complaints in relation to SBS services have possible recourse to the independent SBS Ombudsman, the ACMA, as well as eSafety (as stated in the updated SBS Terms and Conditions).</p> <p>SBS services and content are also subject to relevant laws including the <i>Criminal Code Act 1995</i> and the <i>Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019</i> (which regulate abhorrent violent material). Any third-party advertising present on SBS's online services must also comply with a range of Advertising Codes administered by the advertising regulator, Ad Standards.</p>
<p>Proposal 2: Amended subsection 10(1) will provide:</p> <p><i>The provider of the service will take reasonable steps to consult and cooperate with providers of other services, and to take reasonable steps to ensure consultation and cooperation occurs between all relevant services provided by that provider in order to promote the ability of end-users to use all of those services in a safe manner.</i></p>	<p>SBS is proactive in the industry, participating in consultations and/or collaboration opportunities with the Government, regulators, and its peers including the ABC and Free TV Australia, among many other entities, and on a wide range of important matters including online safety.</p> <p>These measures ensure that SBS already takes extensive reasonable steps to ensure the safety of its end-users and that further regulation is not warranted.</p>
<p><u>Extract information from the Consultation Paper:</u></p> <p>This amendment clarifies that the intention of the additional expectation is that consultation and cooperation occur between all relevant services operated by the same provider, as well as services operated by different providers. (The services covered by the BOSE Determination are social media services, relevant electronic services and designated internet services.)</p>	