

OFFICIAL

MS23-004663



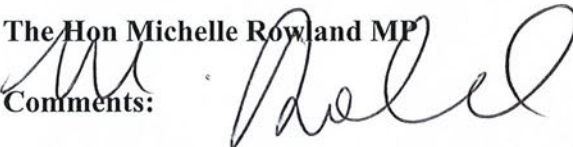
Australian Government

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

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

Subject: Responses to petitions EN5139 on online pornography and EN5435 on explicit content.

Critical Date: Routine, noting that the response to EN5139 was due to the Committee on 29 October 2023. Late submission has been agreed with your office.

Recommendation/s	
1. That you sign the letter at Attachment B responding to Petition EN5139.	Signed / Not Signed
2. That you sign the letter at Attachment D responding to Petition EN5435.	Signed / Not Signed
<p>The Hon Michelle Rowland MP Comments: </p> <p>Date: 11/12/23</p>	

Key Points:

1. This submission seeks your agreement to the responses to petitions EN5139 and EN5435, which were referred to you by the House of Representatives Standing Committee on Petitions (the Committee). Under Standing Order 209 (a) and (b), the Committee may refer a petition to the responsible Minister.

2. You are expected to respond within 90 days of the petitions' presentation by lodging a written response with the Committee. Petition EN5139 was due on 29 October 2023, and petition EN5435 is due on 14 January 2024.

Petition EN5139 (Attachment A):

3. On 1 August 2023, the Committee referred petition EN5139 to you (**Attachment A**). The petition has 80 signatures and calls for a ban on free access to online pornography, X-rated material and sexual adult content. The petition calls for access to this material to be restricted to individuals over 18.

Petition EN5435 (Attachment C):

4. On 16 October 2023, the Committee referred petition EN5435 to you (**Attachment C**). The petition has 20 signatures and calls for the House to enact an immediate and unequivocal ban on explicit content, along with requesting non-explicit sexual education and improved mental health support.

OFFICIAL

OFFICIAL

MS23-004663

Response

5. The draft responses to both petitions are at **Attachment B** and **Attachment D** and set out the Australian Government's existing measures to protect children from exposure to explicit material under the *Online Safety Act 2021*. They also provide information about the eSafety Commissioner's Roadmap for Age Verification, the Australian Government's response to the Roadmap, and support for parents and carers available through the eSafety Commissioner's online resources. **Attachment D** also provides information about Australia's classification system.

Financial impacts: N/A

Legal/Legislative impacts: N/A

Stakeholder Implications: N/A

Consultation: N/A

Media Opportunities: N/A

Attachments:

Attachment A: Petition EN5139 – Children accessing pornography

Attachment B: Response to petition EN5139

Attachment C: Petition EN5435 – The impacts of explicit pornography and sexual content

Attachment D: Response to petition EN5435

Cleared By: s22(1)(a)(ii)

Position: A/g Assistant Secretary, Online Safety

Division: Online Safety, Media and Platforms

Mob: s22(1)(a)(ii)

Cleared Date: 13/11/23

Contact Officer: s22(1)(a)(ii)

Section: Projects and Implementation

Ph: 6271 s22(1)

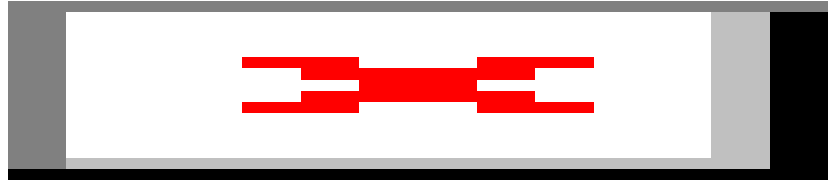
Instructions for MPS: Nil

Do you require a signed hardcopy to be returned: No

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

PDMS Distribution List: Jim Betts, Richard Windeyer, Bridget Gannon, s22(1)(a)(ii)
s22(1)(a)(ii)

OFFICIAL



1/08/2023

Ms Michelle Rowland MP
Minister for Communications
Parliament House
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

Presentation date: 31/07/2023
Petition number: EN5139 (*Please quote in future correspondence*)
Number of signatures: 80

Terms:

- **Reason:** Free soft-core and hard-core sexual adult content is being accessed by underaged children and shared online freely amongst each other without restriction. It is corrupting their minds and their ideas about sexuality and sensuality.
- **Request:** We therefore ask the House to ban the free access to pornography, x-rated material and sexual adult content online so it can only be accessed by individuals older than 18 in a restricted manner such as paying for the content by an overaged person.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of

the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

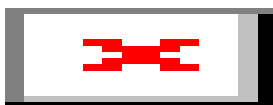
When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and published on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at petitions.committee.reps@aph.gov.au

Please advise the Committee as soon as possible if this petition should be referred to a different Minister.

Yours sincerely



Ms Susan Templeman MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email: petitions.committee.reps@aph.gov.au



The Hon Michelle Rowland MP

Minister for Communications
Federal Member for Greenway

MS23-004663

Ms Susan Templeman MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Ms Templeman

Thank you for your letter dated 1 August 2023, on behalf of the House of Representatives Standing Committee on Petitions, concerning Petition EN5139 which calls for a ban on online access to pornography for individuals under the age of 18. I apologise for the lateness of my response.

The Albanese Government is committed to minimising the harm that comes from children accessing content online that is not appropriate for them, including online pornography. The *Online Safety Act 2021* (the Act) imposes a range of measures to protect children from exposure to adult content. Additionally, the Government has recently delivered its response to the eSafety Commissioner's Roadmap for Age Verification, which considered further measures to mitigate the impact of online pornography on children.

Current measures in the Online Safety Act which restrict access to pornography

The Act establishes an Online Content Scheme, which empowers the eSafety Commissioner to request or require takedown of illegal and restricted online content. Most pornographic content falls under the eSafety Commissioner's powers to respond to material that is, or is likely to be, classified as R18+, X18+ or refused classification under Australia's classification framework.

The hosting of pornographic material by Australian online service providers is prohibited under Australian law. As a result, most pornographic material accessed by Australians is hosted overseas.

For material hosted in Australia, the eSafety Commissioner can respond to X18+ material by issuing a removal notice to the service provider, and to R18+ by requiring that the material can only be accessed by adults by placing the content behind a Restricted Access System (RAS). The purpose of a RAS is not to prevent access to age-restricted content, but to ensure access is limited to people who are 18 years and over.

For material that is illegal or seriously harmful that is, or would likely be, refused classification (such as child sexual abuse material), the eSafety Commissioner has a stronger set of powers to require removal of this material no matter where it is hosted.

Age verification for online pornography

On 31 March 2023, the eSafety Commissioner delivered the Roadmap for Age Verification (the Roadmap) to the Australian Government. The Roadmap explores if and how age verification and other measures could be used to prevent and mitigate harm to children from online pornography.

The Roadmap found that currently, age verification and age assurance technologies are new and still evolving and come with privacy, security, and governance considerations. The Roadmap made a number of recommendations, including that the Government invest in research, education, awareness, and resources, that the eSafety Commissioner continue work to implement the Online Safety Act, and that the Government should pilot age assurance technologies, before seeking to mandate them.

In developing its response to the Roadmap, the Government focused on what actions are likely to lead to tangible and practical protections for children from pornography. I have asked the eSafety Commissioner to commence work on a set of mandatory, enforceable industry codes to address children's access to online pornography as soon as practicable. These codes are the most effective lever to deliver improved protections for children in the short- to medium-term.

The codes are required under the Act, and for the first time will require platforms to do more to protect children from exposure to online pornography. Importantly, these codes will be mandatory, and will apply to all different sections of the digital industry – including social media platforms, app stores, content hosting services, internet service providers and device manufacturers. With a complex challenge such as this, we need all parts of the online ecosystem to play a role.

These codes will be critical in lifting industry's standards. The code development process will also provide vital information on what a pilot of age assurance technologies might look like in the Australian context. The Government will seek further advice from the eSafety Commissioner once the codes are on track, including in relation to how a pilot might support and complement the codes.

The Government is also taking action to strengthen our online safety framework. On 22 November, I announced the start of consultation on proposed amendments to the Online Safety (Basic Online Safety Expectations) Determination 2022, which is established under the Act. The Determination articulates Government's minimum expectations for online service providers to improve protections for users, including from harmful content. The eSafety Commissioner has the power to require service providers to report on their compliance with these expectations, driving transparency around industry's actions.

Under the proposed amendments, industry would be expected to consider the best interests of children in the design and operation of their services. An amendment would also make explicit that age assurance technologies are an important tool to prevent harm to children online. It is clear that some age assurance technologies and complementary measures are already being deployed across commercial platforms to prevent a range of harms to children

and the Government wants to see industry continue to develop and invest in these technologies.

Countries around the world are grappling with the problem of age assurance and how best to protect children from harmful content. The Government is closely monitoring international and industry developments, and on 10 November 2023 Australia joined the governments of France, Belgium, Denmark, Estonia, the Netherlands, Spain and the United Kingdom in a joint statement at the Paris Peace Forum, calling for global initiatives to reinforce the protection of children online.

We also want to make sure children and young people can access age-appropriate consent and respectful relationships education, and are providing this through the Consent and Respectful Relationships Education commitment of \$83.5 million over 6 years (2022-23 to 2027-28).

In addition, the eSafety Commissioner has published a range of practical online resources with easy-to-follow advice about how technology and parental control settings can prevent children from accessing online pornography. This information can be found online at www.esafety.gov.au/parents/issues-and-advice/online-porn.

Thank you for bringing this petition to my attention.

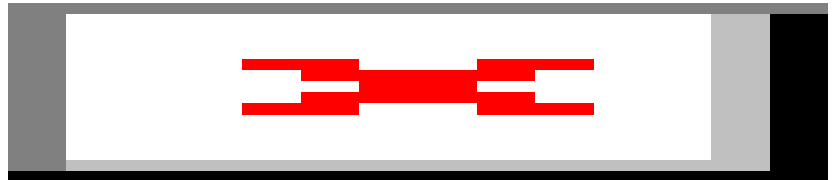
Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Rowland', written in a cursive style.

Michelle Rowland MP

11/12/2023

From: petitions.committee.reps@aph.gov.au
Sent: Monday, 16 October 2023 2:35 PM
To: DLO Rowland
Subject: Petition Ministerial Referral (EN5435)



16/10/2023

Ms Michelle Rowland MP
Minister for Communications
Parliament House
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

Presentation date: 16/10/2023
Petition number: EN5435 *(Please quote in future correspondence)*
Number of signatures: 20

Terms:

- **Reason:** We, as citizens of Australia, rise united against an alarming and escalating crisis that imperils the very fabric of our society. The pervasive scourge of explicit pornography and sexual content is not only tearing at our moral foundations but also fostering a breeding ground for heinous crimes that threaten our safety, dignity, and future. These materials have a detrimental impact on individuals, families, relationships, and societal values. They contribute to the objectification of individuals, perpetuate harmful stereotypes, and can lead to harmful behaviours

and attitudes and crimes. Children and young people are particularly vulnerable to the negative effects of exposure to explicit content, as it can shape their perceptions of healthy relationships and sexual behaviours. This crisis transcends mere content; it is a crisis of values, relationships, and human dignity. Explicit material infiltrates our homes, schools, and workplaces, systematically warping our perception of consent, respect, and love. It sows seeds of objectification that sprout into attitudes of entitlement and disrespect. The dangers stretch beyond distorted beliefs. We must confront the alarming rise in crimes that are fuelled by explicit content—crimes such as harassment, cyberbullying, and even human and sex trafficking. These insidious activities thrive in the shadows of a society that tolerates the degradation of human beings.

- **Request:** We therefore ask the House to Enact an immediate and unequivocal ban on explicit content. Safeguard our society, protect our youth, and eliminate the breeding ground for associated crimes. Implement stringent regulations, fund comprehensive and non-explicit sexual education and bolster mental health support.

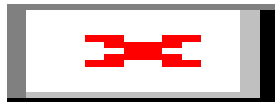
As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at petitions.committee.reps@aph.gov.au

Yours sincerely



Ms Susan Templeman MP
Chair



STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email:
petitions.committee.reps@aph.gov.au



The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MS23-004663

Ms Susan Templeman MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Ms Templeman

Thank you for your letter dated 16 October 2023, on behalf of the House of Representatives Standing Committee on Petitions, concerning Petition EN5435 which calls for a ban on explicit content.

Australia's National Classification Scheme

The National Classification Scheme is run jointly between the Australian Government and the states and territories. It commenced in 1995 and covers the classification of films, computer games and some publications.

Under the National Classification Scheme, films that contain actual sexual intercourse and other sexual activity between consenting adults (commonly known as pornographic films) are given a special, legally restricted classification, X18+. The exhibition, sale and/or hire of X18+ material is illegal in all Australian states, however, it is permissible to own such material for person use. The sale and/or hire of X18+ material is permitted in the Australian Capital Territory and Northern Territory to persons aged 18 years and over. Law enforcement agencies in each jurisdiction are responsible for enforcing classification restrictions.

Films that meet certain criteria – for example which depict child sexual abuse, or sexualised violence – can be Refused Classification. Refused Classification material cannot be sold, hired, advertised or legally imported in Australia.

Measures in the Online Safety Act which restrict access to pornography

The Albanese Government is committed to minimising the harm that comes from children accessing content online that is not appropriate for them, including online pornography. The *Online Safety Act 2021* (the Act) imposes a range of measures to protect children from exposure to adult content. Additionally, the Government has recently delivered its response to

the eSafety Commissioner's Roadmap for Age Verification, which considered further measures to mitigate the impact of online pornography on children.

The Act establishes an Online Content Scheme, which empowers the eSafety Commissioner to request or require takedown of illegal and restricted online content. Most pornographic content falls under the eSafety Commissioner's powers to respond to material that is, or is likely to be, classified as R18+, X18+ or Refused Classification under Australia's classification framework.

The hosting of pornographic material by Australian online service providers is prohibited under Australian law. As a result, most pornographic material accessed by Australians is hosted overseas.

For material hosted in Australia, the eSafety Commissioner can respond to X18+ material by issuing a removal notice to the service provider, and to R18+ by requiring that the material can only be accessed by adults by placing the content behind a Restricted Access System (RAS). The purpose of a RAS is not to prevent access to age-restricted content, but to ensure access is limited to people who are 18 years and over.

For material that is illegal or seriously harmful that is, or would likely be, Refused Classification (such as child sexual abuse material), the eSafety Commissioner has a stronger set of powers to require removal of this material no matter where it is hosted.

Age verification for online pornography

On 31 March 2023, the eSafety Commissioner delivered the Roadmap for Age Verification (the Roadmap) to the Australian Government. The Roadmap explores if and how age verification and other measures could be used to prevent and mitigate harm to children from online pornography.

The Roadmap found that currently, age verification and age assurance technologies are new and still evolving and come with privacy, security, and governance considerations. The Roadmap made a number of recommendations, including that the Government invest in research, education, awareness, and resources, that the eSafety Commissioner continue work to implement the Online Safety Act, and that the Government should pilot age assurance technologies, before seeking to mandate them.

In developing its response to the Roadmap, the Government focused on what actions are likely to lead to tangible and practical protections for children from pornography. I have asked the eSafety Commissioner to commence work on a set of mandatory, enforceable industry codes to address children's access to online pornography as soon as practicable. These codes are the most effective lever to deliver improved protections for children in the short- to medium-term.

The codes are required under the Act, and for the first time will require platforms to do more to protect children from exposure to online pornography. Importantly, these codes will be mandatory, and will apply to all different sections of the digital industry – including social media platforms, app stores, content hosting services, internet service providers and device manufacturers. With a complex challenge such as this, we need all parts of the online ecosystem to play a role.

These codes will be critical in lifting industry's standards. The code development process will also provide vital information on what a pilot of age assurance technologies might look like in the Australian context. The Government will seek further advice from the eSafety Commissioner once the codes are on track, including in relation to how a pilot might support and complement the codes.

The Government is also taking action to strengthen our online safety framework. On 22 November, I announced the start of consultation on proposed amendments to the Online Safety (Basic Online Safety Expectations) Determination 2022, which is established under the Act. The Determination articulates Government's minimum expectations for online service providers to improve protections for users, including from harmful content. The eSafety Commissioner has the power to require service providers to report on their compliance with these expectations, driving transparency around industry's actions.

Under the proposed amendments, industry would be expected to consider the best interests of children in the design and operation of their services. An amendment would also make explicit that age assurance technologies are an important tool to prevent harm to children online. It is clear that some age assurance technologies and complementary measures are already being deployed across commercial platforms to prevent a range of harms to children and the Government wants to see industry continue to develop and invest in these technologies.

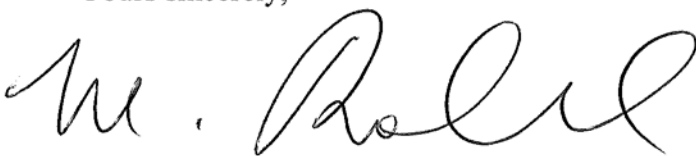
Countries around the world are grappling with the problem of age assurance and how best to prevent children from harmful content. The Government is closely monitoring international and industry developments, and on 10 November 2023 Australia joined the governments of France, Belgium, Denmark, Estonia, the Netherlands, Spain and the United Kingdom in a joint statement at the Paris Peace Forum, calling for global initiatives to reinforce the protection of children online.

We also want to make sure children and young people can access age-appropriate consent and respectful relationships education, and are providing this through the Consent and Respectful Relationships Education commitment of \$83.5 million over 6 years (2022-23 to 2027-28).

In addition, the eSafety Commissioner has published a range of practical online resources with easy-to-follow advice about how technology and parental control settings can prevent children from accessing online pornography. This information can be found online at www.esafety.gov.au/parents/issues-and-advice/online-porn.

Thank you for bringing this petition to my attention.

Yours sincerely,



Michelle Rowland MP

11/12/2023