



## The Hon Michelle Rowland MP

---

**Minister for Communications  
Federal Member for Greenway**

MS24-000xxx

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

Via: s22(1)(a)(ii) @eSafety.gov.au

Dear Ms Inman Grant

I am writing with regard to your recommendation that the Australian Government develop, implement and evaluate a pilot of age assurance technologies in the Australian context, as set out in eSafety's *Roadmap for Age Verification*. My department has commenced work on scoping the pilot and I understand that later this year you will commence the Phase 2 Codes process as part of fully implementing the *Online Safety Act 2021* (the Act). In this context, I would appreciate your advice on the matters set out below.

### **1. Relationship between a pilot and the codes process**

I am not expecting the progress of a pilot to slow down your progress on developing Codes. I see these processes as being able to operate in parallel. However, it would assist if you could explain whether you intend to seek age assurance requirements as part of the codes process, and if so, for which sections of the industry.

### **2. Conducting a pilot**

The Roadmap recommends that any pilot would need to be evaluated against a pre-established set of criteria including accuracy, effectiveness and other important measures. I would value your advice about whether these criteria could be formalised into an appropriate Australian Standard that could provide a benchmark against which age assurance technologies could be selected and applied across all online services where age assurance is required.

### **3. Likely compliance or adoption by relevant sections of the industry**

Successful use of age assurance technology for Australians will require online pornography sites to adapt the technology on their platforms. I would appreciate any advice or evidence you have on the likelihood of overseas-based pornography sites adopting requirements for age assurance, and how risks of non-compliance might be mitigated.

---

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

OFFICIAL - SENSITIVE

**OFFICIAL - SENSITIVE****4. Industry developments**

I understand that since the Roadmap was provided to Government in March 2023, there have been a number of developments and the technology has matured. I welcome your advice about these improvements and the maturity and efficacy of a range of appropriate technologies. This will assist Government to ensure that any trial includes the best age assurance solutions available in the current environment.

I note the recommendation in the Roadmap that cross-government collaboration will be required to develop and implement a pilot. I, and my Department would welcome the participation of appropriate eSafety staff in this collaborative effort.

Thank you for your advice to date on this important body of work, and your ongoing work to protect children from harmful material online.

Yours sincerely

Michelle Rowland MP

/03/2024

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

**OFFICIAL - SENSITIVE**



# Age Assurance Cross-Government Working Group

## Terms of Reference

<b>Secretariat:</b>	Online Safety Branch, Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)
<b>Establishment date:</b>	May 2024
<b>Meeting platform:</b>	Virtual - Webex
<b>Context and purpose:</b>	
<p>Research outlined in the eSafety Commissioner’s (eSafety’s) <i>Roadmap for Age Verification</i> indicated that children are increasingly encountering pornography online. eSafety’s research with 16-18 year olds reveals that, of children who had seen online pornography, almost half had first encountered it when they were 13, 14, or 15 years old. The Roadmap also acknowledged that pornography is readily available through websites hosted offshore and through a wide range of digital platforms accessed by children including gaming sites and social media.</p> <p>The Australian Government has committed to improving protections for children online by providing \$6.5 million for an age assurance trial. This trial will consider different technologies and age assurance approaches, including in relation to privacy and security requirements. Age assurance technologies are applications that can be used by online platforms to ensure that children are protected from inappropriate content online, such as pornography. The use of age assurance technologies for this purpose cuts across the work of many areas of government.</p> <p>The trial outcomes will help inform the existing work of the eSafety Commissioner under the <i>Online Safety Act</i> – including through the development of industry codes and/or standards – to reduce children’s exposure to age-inappropriate material.</p> <p>The Cross-Government Working Group (CGWG) will support DITRDCA’s work to develop an age assurance trial by advising on an Implementation Plan, and developing an agreed privacy and security criteria to assess age assurance technologies in Australia. It will share best practice and policy experience to ensure that any duplication or conflicts between related areas of work are avoided, and that age assurance policy is developed in a way that is appropriate for Australian conditions.</p>	

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

~~PROTECTED~~

<b>Roles and Objective:</b>	
<p>The CGWG will support DITRDCA's work to develop a trial of age assurance technologies. It will:</p> <ul style="list-style-type: none"> <li>• Provide advice on their agencies' experience with related research, regulation, and policy areas such as identity, security and privacy.</li> <li>• Contribute to an Implementation Plan to explain how the trial will be managed.</li> <li>• Design aims for research into public preparedness to use age assurance technologies.</li> <li>• Advise DITRDCA on criteria for assessing age assurance technologies, and determine how success is to be measured.</li> </ul> <p>DITRDCA will:</p> <ul style="list-style-type: none"> <li>• Provide a Secretariat for the CGWG.</li> <li>• Procure consumer research.</li> <li>• Procure an independent testing organisation to test commercially available technologies against the assessment criteria.</li> <li>• Develop the results of this testing into recommendations for Government.</li> </ul>	
<b>Meeting protocols:</b>	
<p><b>Attendance</b></p> <ul style="list-style-type: none"> <li>• Membership is at the SES Band 1 or Executive Level 2 level.</li> <li>• The membership list below may be adapted or expanded to include representatives from other departments and government entities where relevant.</li> <li>• The Secretariat is responsible for the agenda, minutes, and attendance list.</li> <li>• Minutes and actions will be endorsed by members at the meeting following.</li> </ul> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• The Secretariat will capture and track agreed actions and their implementation.</li> </ul>	
<b>Duration of this group and frequency of meetings.</b>	
<ul style="list-style-type: none"> <li>• The CGWG will work during 2024-25 to develop a trial of age assurance technologies. This may be extended as required.</li> <li>• Subject to agreement of the CGWG, it is proposed that the group meet on a monthly basis.</li> </ul>	
<b>Interdepartmental membership:</b>	
Attorney-General's Department	Information Law Branch
	National Office for Child Safety
	Privacy Reform Taskforce
eSafety Commissioner	
Digital Transformation Agency	Digital Identity Strategy team
Australian Institute of Criminology	
Department of Education	
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Projects and Implementation Section

~~PROTECTED~~

~~PROTECTED~~

Department of Industry, Science, and Resources	
Department of Finance	Data Policy and Assurance Branch, Digital ID and Data Policy Division
	Emerging Policy & Technology Branch, Digital ID and Data Policy Division
Department of the Prime Minister and Cabinet	Health, Justice and Online Safety Policy, Office for Women
	Communications and the Arts Branch, Industry, Infrastructure and Environment Division
Department of Social Services	Children, Disability and Online Safety Section
Digital Transformation Agency	Digital Identity Strategy
Home Affairs	Technology Security Policy Branch
National Indigenous Australians Agency	

~~PROTECTED~~

s22(1)(a)(ii)

**From:** ESAFETY - s22(1)(a)(ii)@protected.esafety.gov.au>  
**Sent:** Wednesday, 15 May 2024 2:48 PM  
**To:** s22(1)(a)(ii)  
**Cc:** s22(1)(a)(ii); s22(1)(a)(ii); Gannon, Bridget; Irwin, Andrew; ESAFETY - s22(1)(a)(ii); ESAFETY - s22(1)(a)(ii)  
**Subject:** RE: Age Assurance: Request for review of a draft implementation plan and timeline by noon Tuesday ~~[SEC=PROTECTED, CAVEAT=SI.CABINET]~~  
**Attachments:** Attachment A - Draft Implementation Plan - eSafety comments.docx  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

~~PROTECTED/CABINET~~

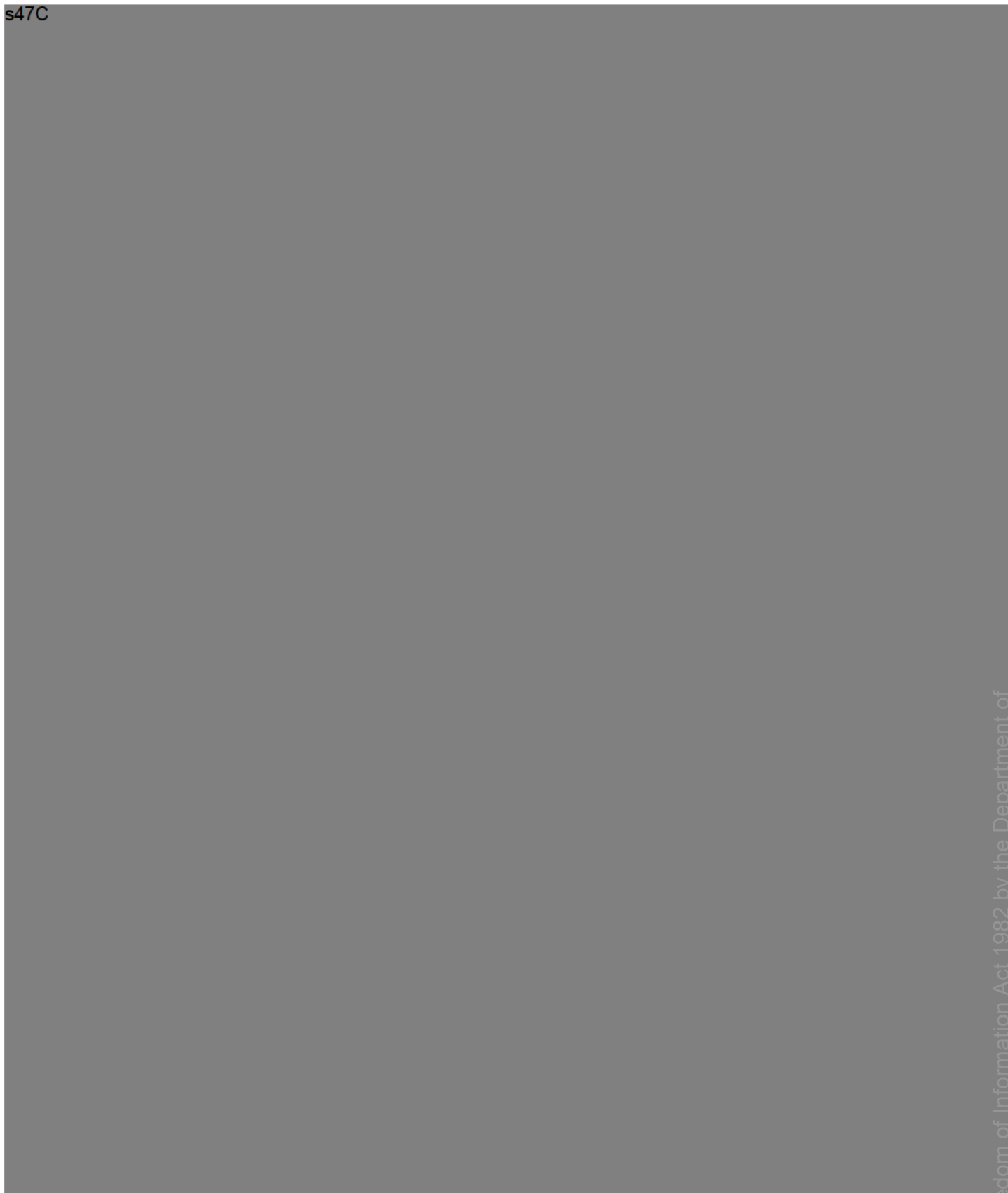
Dear s22(1)(a)(ii)

s47C



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

s47C



Regards

s22(1)(a)(ii)

Head of the Commissioner's Office

From: s22(1)(a)(ii) @COMMUNICATIONS.gov.au>  
 Sent: Friday, May 10, 2024 1:21 PM  
 To: ESAFETY - s22(1)(a)(ii) @protected.esafety.gov.au>  
 Cc: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au>;  
 Gannon, Bridget s22(1)(a)(ii) @infrastructure.gov.au>; ESAFETY - s22(1)(a)(ii) @protected.esafety.gov.au>;  
 Irwin, Andrew s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>  
 Subject: Age Assurance: Request for review of a draft implementation plan and timeline by noon Tuesday  
~~[SEC-PROTECTED, CAVEAT-SH.CABINET]~~  
 Importance: High

~~PROTECTED, SH.CABINET~~

Good afternoon,

Following the 1 May announcement of \$6.5 million in funding for the department to complete a trial of age assurance technologies, we'd now welcome eSafety's views on the attached drafts of an:

- Implementation plan for the trial, and a
- Proposed timeline for the trial.

We are particularly keen to hear if there are any potential issues you see between the proposed operation of this trial and eSafety's Phase 2 codes processes.

It would be very helpful if we could receive your advice by 12pm on Tuesday, please.

Thank you so much, and very happy to discuss,

s22(1)(a)(ii)

s22(1)(a)(ii) (she/her)

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

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

ps22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

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.*

~~PROTECTED, SH.CABINET~~

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:**

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 566 046 during business hours (8am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

---

Pages 10-16 removed in their entirety as exempt under section 47C of the FOI Act.

~~PROTECTED: Cabinet~~

## BACKGROUND

### CURRENT AND FUTURE REGULATORY REFORM PROCESSES

#### Age-restricted ratings under National Classification Scheme

Developing age assurance technology for online content could be beneficial in helping to address identified shortcomings under the National Classification Scheme (the Scheme) relating to the enforcement of age-restricted classification ratings at the MA15+, R18+ and X18+ level.

Currently age restrictions for classification are enforceable only in traditional settings such as cinema and retail, however the 2023 Television and Media Survey found that a substantial percentage of children had (ever) seen age inappropriate content, primarily on online platforms (42-70 per cent depending on age group).<sup>8</sup>

One of the key objectives of the Government's classification reform agenda is to improve the compliance of online platforms with the Scheme, so that children and vulnerable persons are protected from unsuitable content.

Responsibility for the enforcement of classification requirements currently rests with states and territories. Any changes to these arrangements, for example to allow the Commonwealth to take an increased role in the enforcement of online classification compliance, will require renegotiation of cooperative arrangements under the *Intergovernmental Agreement on Censorship 1995*.

#### Content safeguards workstream

s34(3)



s47C




---

<sup>8</sup> Not yet released as at 4 April 2024.

~~PROTECTED: Cabinet~~

03/04/2024

The Hon Michelle Rowland MP

Minister for Communications

Via email: [Minister.Rowland@mo.communications.gov.au](mailto:Minister.Rowland@mo.communications.gov.au)

Cc: s22(1)(a)(ii) [REDACTED]@mo.communications.gov.au

Dear Minister

Thank you for your correspondence of 15 March 2024 seeking an update on industry developments in relation to age assurance technologies, and on the current status of phase two of the industry codes, including advice on what I anticipate being included in the Codes.

### **Industry developments in age assurance technologies**

Since the Roadmap was provided to Government in March 2023, industry has continued to implement age assurance technologies. Industry developments have largely included further trials and greater uptake of available technologies.

Of note, several companies have expanded age assurance measures across their product offerings, often at sign up or at key points. However, these measures vary across industry. Measures commonly include facial age estimation and ID document verification, and the use of digital wallets and age tokens. Many of these are already being implemented in specific jurisdictions.

For example, in the United Kingdom, young people can use the [Digital ID Connect service](#) to prove that they are under 18 and be eligible to access confidential online counselling services without exposing their identity to the service provider.

Several important international developments in global standards and testing are underway. They include important discussions that will be had at the Age Assurance Global Summit in Manchester in April, which eSafety will be involved in and which will focus on setting standards and a technology showcase.

In addition, the US National Institute of Standards and Technology (NIST) is conducting a detailed study of facial analysis technology, with results expected to be released at the Manchester Summit. Finally, the International Organization for Standardization is developing a standards framework for age assurance systems, which while in an early stage of readiness promises to establish a set of core principles for establishing age based on body characteristics.

Drawing on these global developments eSafety intends to release an Age Assurance Tech Trends paper in the coming months to support the Codes phase 2 process.

**Status of industry codes**

s22(1)(a)(ii)



*Phase 2 industry codes and age assurance trial*

s22(1)(a)(ii)



I understand that you wish to know whether I regard an age assurance pilot as being potentially compatible with the phase 2 codes development process. To my mind, there is no reason to suggest that they could not take place simultaneously. In fact, I think that there is good reason to think that the trial might yield useful data and insights about the operation of age assurance technologies within the Australian context that could strengthen the code commitments, especially given the matters they will address. Future legislative requirements directed at age verification could also supplement the minimum compliance measures contained in a registered code.

s22(1)(a)(ii)



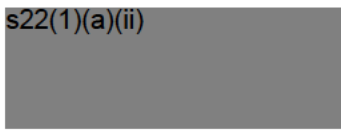
Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Page 20 removed in its entirety as irrelevant under section 22(1)(a)(ii) of the FOI Act.

s22(1)(a)(ii)



s22(1)(a)(ii)



Julie Inman Grant

**eSafety Commissioner**

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