

From: s22(1)(a)(ii) [redacted]
To: s22(1)(a)(ii) [redacted]
Cc: s22(1)(a)(ii) [redacted]
Subject: For visibility - s34(2) [redacted] ~~[SEC-PROTECTED, CAVEAT-SH.CABINET]~~
Date: Tuesday, 2 April 2024 1:47:47 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image004.png](#)

~~PROTECTED//CABINET~~

Hi s22(1)(a) [redacted]

Hope you had a good long weekend! Just tried to call.

s34(2)



Happy to call to discuss next steps.

Thanks,

s22(1)(a)(ii) [redacted] | Adviser

Communications and Arts | Industry, Infrastructure and Environment Division
Department of the Prime Minister and Cabinet

p. (02) 6228 s22(1)(a) [redacted]
Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s22(1)(a)(ii) [redacted] [@pmc.gov.au](mailto:[redacted]@pmc.gov.au) w. pmc.gov.au



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From: [Irwin, Andrew](#)
To: [Fell, Anthea](#); [Gannon, Bridget](#)
Cc: s22(1)(a)(ii); [Luchetti, Narelle](#); [COLE2, Mitchell](#)
Subject: RE: Nat Cab - Comms [SEC - PROTECTED]
Date: Tuesday, 30 April 2024 10:30:00 AM
Attachments: [image001.png](#)
[image002.png](#)

~~PROTECTED~~

Hi Anthea,

Had a quick chat with Bridget and we've got a correction to item 3 – to line up with previous announcements it should read:

s47B(a)



Happy to discuss,

Cheers,
Andrew

Andrew Irwin (he/him)

Assistant Secretary • Online Safety Branch
• Online Safety, Media and Platforms Division

Andrew.Irwin@infrastructure.gov.au

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s22(1)(a)(ii)



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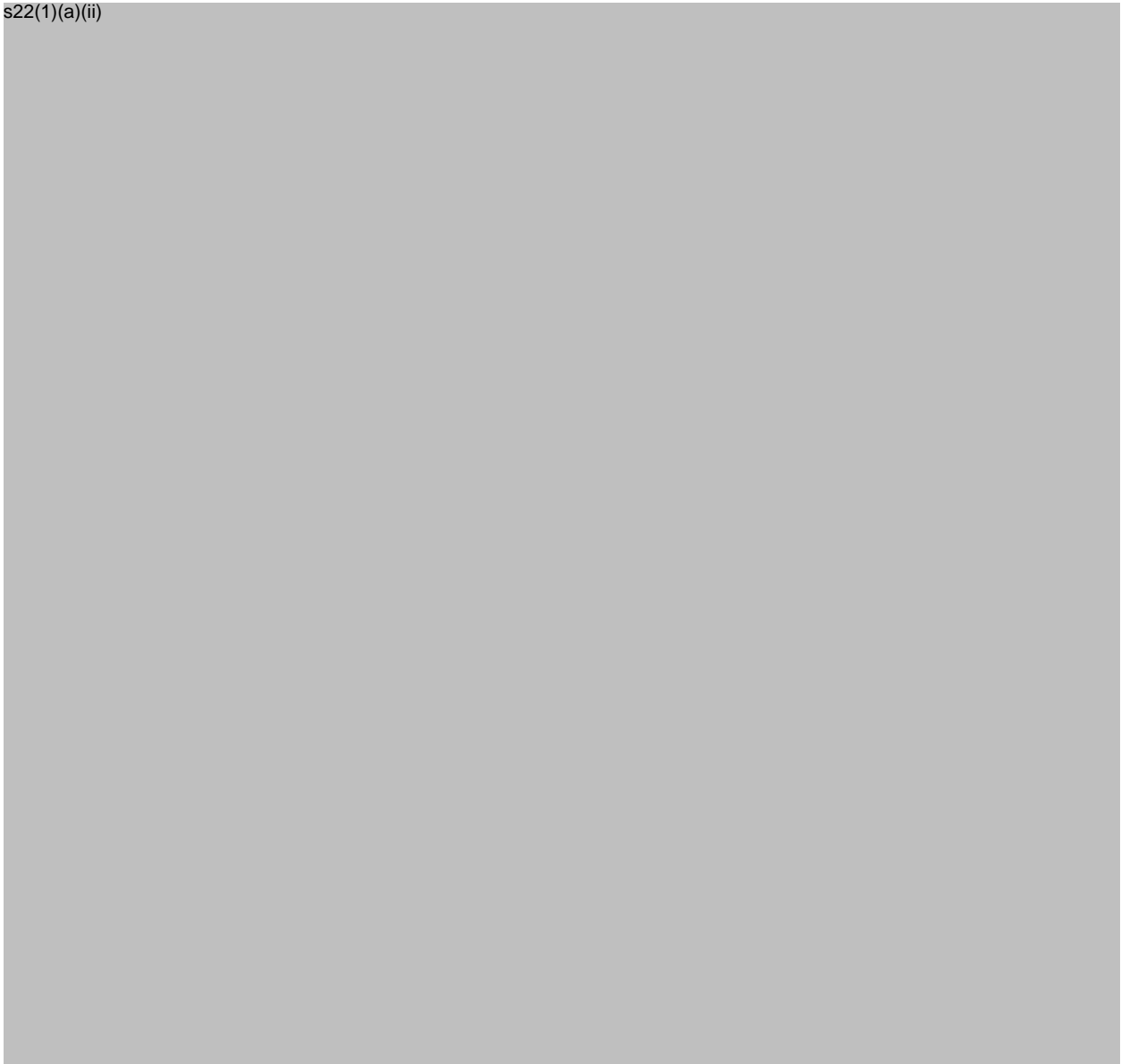
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s22(1)(a)(ii)



From: Fell, Anthea

Sent: Tuesday, 30 April 2024 9:20 AM

To: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>;

'Andrew.Irwin@INFRASTRUCTURE.gov.au' <Andrew.Irwin@INFRASTRUCTURE.gov.au>

Cc: Communications Policy <CommsPolicy@pmc.gov.au>

Subject: Nat Cab - Comms [~~SEC-PROTECTED~~]


~~PROTECTED~~

s22(1)(a)(ii)



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s22(1)(a)(ii)



s47B(a)

s22(1)(a)(ii)

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From: s22(1)(a)(ii)
To: [Redacted]
Cc: [Communications Policy; Irwin, Andrew](#)
Subject: RE: Age assurance measure in Budget papers ~~[SEC-PROTECTED]~~
Date: Thursday, 2 May 2024 5:28:00 PM
Attachments: [image001.png](#)

~~PROTECTED~~

Hi s22(1)(a)(ii)

Just looping in Andrew, my branch head.

s47C
[Redacted]

s47C words can be drawn from our Minister's [media release](#).

I hope that assists – happy to chat!

s22(1)(a)(ii)

s22(1)(a)(ii)

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From: s22(1)(a)(ii) [@pmc.gov.au](#)
Sent: Thursday, 2 May 2024 1:26 PM
To: s22(1)(a)(ii) [@INFRASTRUCTURE.gov.au](#)
Cc: Communications Policy <[CommsPolicy@pmc.gov.au](#)>; s22(1)(a)(ii) [@infrastructure.gov.au](#)
Subject: RE: Age assurance measure in Budget papers ~~[SEC-PROTECTED, CAVEAT-SH.CABINET]~~

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~~PROTECTED//CABINET~~

Hi s22(1)(a)(ii)

Thanks for reaching out and for providing that update.

Following the National Cabinet meeting yesterday and the subsequent [announcement](#) by Minister Rowland of the \$6.5m for the pilot, s47C

[Redacted]

Thanks again and happy to discuss,

s22(1)(a)(ii)

Communications and Arts | Industry, Innovation, Science and Communications

p. (02) 6228 s22(1)(a)

From: s22(1)(a)(ii) <[@INFRAStructure.gov.au](mailto:INFRAS@INFRAStructure.gov.au)>

Sent: Friday, 26 April 2024 11:09 AM

To: s22(1)(a)(ii) <[@pmc.gov.au](mailto:pmc@pmc.gov.au)>

Subject: Age assurance measure in Budget papers [SEC-PROTECTED, CAVEAT-SH.CABINET]

Importance: High

~~PROTECTED, SH.CABINET~~

Hi s22(1)(a)(ii)

Just looping you in on a development re: age assurance. s47C

[Redacted]

s34(3)

Please let me know if you have any questions.

Kind regards,

s22(1)(a)(ii)

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s22(1)(a)(ii)

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I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

~~PROTECTED, SH-CABINET~~

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s22(1)(a)(ii)

From: s22(1)(a)(ii) @infrastructure.gov.au>

Sent: Thursday, 9 May 2024 5:09 PM

To: Catherine.Fitch@ag.gov.au; s22(1)(a)(ii) @ag.gov.au; Rebekah.kilpatrick@ag.gov.au; s22(1)(a)(ii) @ag.gov.au; s22(1)(a)(ii) @ag.gov.au; s22(1)(a)(ii) @esafety.gov.au; s22(1)(a)(ii) @eSafety.gov.au; s22(1)(a)(ii) @dta.gov.au; rick.brown@aic.gov.au; s22(1)(a)(ii) @aic.gov.au; s22(1)(a)(ii) @education.gov.au; s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @industry.gov.au; s22(1)(a)(ii) @industry.gov.au; s22(1)(a)(ii) @finance.gov.au; s22(1)(a)(ii) @finance.gov.au; s22(1)(a)(ii) @pmc.gov.au; s22(1)(a)(ii) @pmc.gov.au; s22(1)(a)(ii) @pmc.gov.au; s22(1)(a)(ii) @dss.gov.au; s22(1)(a)(ii) @homeaffairs.gov.au; womenspolicy@niaa.gov.au; s22(1)(a)(ii) esafety.gov.au

Cc: s22(1)(a)(ii) @INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @COMMUNICATIONS.gov.au>; Irwin, Andrew

<Andrew.Irwin@INFRASTRUCTURE.gov.au>

Subject: [For response by COB Wednesday 15 May] Cross-government working group to support trial of age assurance ~~[SEC-PROTECTED]~~

PROTECTED

Good afternoon

As you are aware, on 1 May 2024 National Cabinet met to discuss the national crisis of gender-based violence, and the Australian Government announced a range of measures aimed at improving women's safety. This includes funding in the 2024-25 Budget to conduct a trial of age assurance technologies to protect children from harmful content, like pornography and other age-restricted online services: [Tackling online harms | Prime Minister of Australia \(pm.gov.au\)](https://www.pm.gov.au/news/press-releases/2024/05/01/tackling-online-harms)

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) will establish a cross-government working group (CGWG) to support development of the trial. The CGWG will comprise agencies working on online safety, privacy, security, and human and consumer rights issues.

The CGWG will consider:

- A set of criteria against which to assess age assurance technologies
- How the trial will navigate cross-cutting policy issues including online safety, privacy, security, and human and consumer rights

- How the trial could support and complement the eSafety Commissioner’s Phase 2 industry codes process
- How the trial could complement or sit alongside other relevant cross-government priorities
- International regulatory approaches

We intend to hold an initial meeting of the CGWG during the week commencing 20 May 2024.

Please note we request attendance at SES Band 1 or EL2 level.

By COB Wednesday 15 May, could you please advise availability to attend a meeting at the following times:

-
- Monday 20 May, 2.30–3.30pm
- Wednesday 22 May, 10.30–11.30am
- Thursday 23 May, 11.00am–12.00pm

An agenda and papers will be distributed for consideration and input ahead of the meeting, including:

- A draft implementation plan for the age assurance trial
- Draft Terms of Reference for the CGWG

Please reach out should you have any questions.

Kind regards

s22(1)(a)(ii)



a/g Assistant Director • Projects and Implementation • Online Safety Branch •

Online Safety, Media & Platforms Division

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~~PROTECTED~~

From: s22(1)(a)(ii)
To: [REDACTED]
Subject: RE: Age assurance: FYI - s47C [SEC=PROTECTED]
Date: Thursday, 23 May 2024 11:36:03 AM
Attachments: [image001.jpg](#)
[image002.png](#)

~~PROTECTED~~

Thank you! Much appreciated 😊

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From: s22(1)(a)(ii) @COMMUNICATIONS.gov.au>
Sent: Thursday, 23 May 2024 9:41 AM
To: s22(1)(a)(ii) @pmc.gov.au>
Cc: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii) @pmc.gov.au>; Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @pmc.gov.au>
Subject: Age assurance: FYI - s47C [SEC=PROTECTED]

~~PROTECTED~~

Good morning s22(1)(a)(iii)

Thanks for your email – please find attached a draft Senate Estimates brief on the age assurance trial, which might be of help in preparing for the Cabinet meeting. Let us know if there’s anything else we can assist with.

Kind regards,

s22(1)(a)(ii)

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~~PROTECTED~~

From: s22(1)(a)(ii) <[redacted]@pmc.gov.au>
Sent: Wednesday, 22 May 2024 8:05 PM
To: s22(1)(a)(ii) <[redacted]@INFRASTRUCTURE.gov.au>
Cc: s22(1)(a)(ii) <[redacted]@COMMUNICATIONS.gov.au>; s22(1)(a)(ii) <[redacted]@infrastructure.gov.au>; s22(1)(a)(ii) <[redacted]@pmc.gov.au>; Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) <[redacted]@pmc.gov.au>
Subject: FYI - s47C [SEC PROTECTED, CAVEAT SH.CABINET]

~~PROTECTED#CABINET~~

Hi s22(1)(a)(ii)

I work with s22(1)(a)(ii), who I understand you've spoken to previously about age assurance. Nice to e-meet you.

FYI in case this hasn't separately made its way to you, an updated agenda has been released for the s34(2)

If there are any off the shelf products you have that you think might assist us in preparing our briefing for the PM, grateful if you would be able to share. Otherwise, happy to go off the draft implementation plan.

Happy to discuss.

s22(1)(a)(ii)

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DRAFT: SUBJECT: Age Assurance**Talking Points**

- The Australian Government committed \$6.5 million in the 2024-25 Budget to conduct a trial of age assurance technologies.
- The Department of Infrastructure, Transport, Regional Development, Communication and the Arts will be responsible for the trial.
- The trial will include research, cross-government consultation on assessment criteria, and performance testing of age assurance technologies against these criteria.
- The trial outcomes will inform the existing work of Australia's eSafety Commissioner under the Online Safety Act – including through the development of industry codes or standards – to reduce children's exposure to pornography and other age-restricted services.
- On 31 August 2023, the Australian Government published its response to the eSafety Commissioner's Roadmap for Age Verification, which was delivered to government on 31 March 2023.
- In the Roadmap, the eSafety Commissioner made 6 recommendations. Recommendation 2 was that the Australian Government 'Develop, implement, and evaluate a trial before seeking to prescribe and mandate age assurance technologies for access to online pornography.'
- The Department is monitoring international and industry developments, and consulting across Australian Government departments to ensure issues such as privacy and security are addressed. The scoping work includes consideration of:
 - user and industry views on a requirement to provide ID documentation,
 - the effectiveness of various kinds of age assurance technologies,
 - safety-by-design considerations, and
 - compliance and enforcement.

Key Issues**Details of a trial**

- On 1 May 2024, the government announced funding for a trial of age assurance technologies to protect children from harmful content, like pornography and other age-restricted online services.
- The trial will include:
 - Identifying an appropriate timeline and methodology;

- Establishing a 'cross-government working group' with engagement from multiple agencies and departments working on online safety, privacy, security, and human and consumer rights;
- Assessing potential options to engage internationally – specifically with the euCONSENT consortium to build on their European trial of an interoperable age assurance system.
- Planning for a comprehensive technology assessment to include:
 - the accuracy and effectiveness of technology
 - barriers to inclusion and digital participation
 - bias
 - user experience
 - compatibility with human rights
 - extent of interoperability between systems
 - whether participants have the option to exercise granular control over their privacy
 - whether participants are provided with resources to support their informed consent to sharing data.
- Following the trial, there will be consideration of the need for any additional consultation with stakeholder groups, including civil society, children and young people, industry, digital rights advocacy groups and researchers across a range of relevant disciplines.
 - If needed, this will build on the Online Safety Act Review and eSafety codes process, which are currently providing avenues for consultation.

Cross department coordination

- The trial will include consideration of:
 - privacy issues,
 - international and industry developments, and
 - consulting with other Australian Government departments and agencies whose policy responsibilities include addressing online harms, including:
 - Department of Finance
 - Department of Prime Minister and Cabinet, including the Office for Women
 - Attorney-General's Department
 - Department of Home Affairs
 - Department of Industry, Science and Resources
 - Department of Social Services
 - Department of Education,
 - National Indigenous Australians Agency,
 - The Australian Competition and Consumer Commission, and
 - The eSafety Commissioner.

Privacy concerns

- The Roadmap noted that ‘ensuring any technical measures minimise data and preserve privacy’ was a guiding principle derived from stakeholder consultations (page 6).
- Enex TestLab trialled age assurance technologies as part of development of the Roadmap. While the trial found that biometric data was a promising option, Enex also noted that the use of biometric data ‘may raise privacy and security risks and concerns of surveillance’.
- On 16 February 2023, the Attorney-General released the Privacy Act Review Report for public consultation, which closed on 31 March 2023.
 - The Review of the *Privacy Act 1988* considered whether the Privacy Act and its enforcement mechanisms are fit for purpose in an environment where Australians now live much of their lives online.
 - Questions relating to the *Privacy Act* review should be directed to the Attorney-General’s Department.
- The Privacy Act Review Report noted stakeholder concerns that the privacy-intrusive nature of age verification would outweigh its benefits and that a broader concept of ‘age assurance’ should be considered.
 - In its response to the Report, published on 28 September 2023, the government agreed in-principle to introducing child-specific protections in the Privacy Act. The government also agreed to introduce a Children’s Online Privacy Code, which would apply to online services likely to be accessed by children, and is expected to provide further clarity to entities on how to establish the age of users.
 - The Response noted that, “To meet requirements in relation to children, it is expected that entities will need to take reasonable steps to establish an individual’s age with a level of certainty that is appropriate to the risks, for example by implementing age assurance”.

Regulation of pornography in Australia

- Pornography is regulated under the *Online Safety Act 2021* as part of the online content scheme (Part 9 of the Act).
- Some pornography is class 1 material (including some fetish or violent content). The eSafety Commissioner can seek to have class 1 material taken down no matter where it is provided from.
 - Class 1 material is material that is or would likely be refused classification under the National Classification Scheme. Under the Guidelines for the Classification of Films 2012, this includes:
 - depictions of sexual, or sexualised, violence,
 - sexually assaultive language, and

- depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers (including where the acts depicted are consensual).
- Some pornography is class 2 material. The eSafety Commissioner can seek to have class 2 material taken down when it is provided from Australia.
 - Class 2 material includes sexual material that depicts actual or realistically simulated sexual activity between consenting adults.
- The eSafety Commissioner also maintains comprehensive advice about preventing children from accessing age-inappropriate material online at www.esafety.gov.au.

Industry codes

- The industry codes apply to all sections of the digital industry – including pornography sites, app stores and internet service providers, as well as sites where children unintentionally come across pornography like social media and gaming sites.
- Section 138 of the Online Safety Act provides examples of matters that may be dealt with by industry codes and industry standards. This includes providing end-users with access to technological solutions to help them limit access to class 1 material and class 2 material.

Basic Online Safety Expectations (BOSE)

- The Online Safety (Basic Online Safety Expectations) Determination 2022 (BOSE Determination) established under the Online Safety Act also helps to manage children's exposure to online pornography.
 - One of these expectations is that platforms '...will take reasonable steps to ensure that technological and other measures are in effect to prevent access by children to class 2 material [i.e. including pornography] provided on the service'.
 - The eSafety Commissioner can compel industry to report on what it is doing to address these expectations.
- On 22 November 2023, Minister Rowland announced the start of consultation on proposed amendments to the BOSE Determination.
 - 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 make explicit that age assurance technologies are an important tool to prevent harm to children online.

Background

What is age verification?

- Age verification is defined in the Roadmap as ‘measures [which] determine a person’s age to a high level of accuracy, whereas age estimation technologies provide an approximate age to allow or deny access to age-restricted online content or services. An example of age verification is the use of physical or digital government identity documents to establish a person’s age.’
 - This gives rise to considerations of security and privacy.

What is age assurance?

- Age assurance is defined in the Roadmap as ‘an umbrella term which includes both age verification and age estimation solutions. The word ‘assurance’ refers to the varying levels of certainty different solutions offer in establishing an age or age range.’
- Age assurance has a lower threshold than age verification and instead includes a range of technologies that estimate – or assure the service provider that a user is an adult.
- Age assurance is not an exact science. Technology might look at language used, key strokes, sites accessed, and in some cases check that against the age claimed by a user to limit a young person’s access to harmful material. Examples include:
 - Roblox requires that users of its Chat with Voice feature verify they are at least 13 years of age through an ID scan accompanied by a selfie match to ensure “liveness” (ie. that the user is taking a selfie in real-time, and not attempting to trick the camera with a static photograph) and likeness.
 - In June 2022, Meta announced it was testing new options for users to verify their age on Instagram, to give them age-appropriate experiences. In addition to providing ID, new options for users included asking others to vouch for their age and taking a video selfie to be shared with a third party, Yoti, for facial age estimation. In March 2023, this trial was rolled out in Australia.
- Notably, this lower threshold could involve less collection of sensitive data, alleviating some privacy and security concerns.

Australia’s Digital Identity System

- The Australian Government, led by the Digital Transformation Agency, is working with states and territories to deliver Digital ID.
- The purpose of the Digital ID is to verify an individual’s identity and not just age. Its use for accessing pornography may therefore give rise to concerns about privacy.
- Questions about the Digital ID should be directed to the Digital Transformation Agency.

Attachments

- A: Private member's bill – Online Safety Amendment (Protecting Australian Children from Online Harm)
- B: AV Roadmap recommendations
- C: Government Response to AV Roadmap
- D: International approaches to age assurance
- E: Opposition media release 24 November 2023
- F: Minister Rowland speech – 28 November 2023
- G: Joint media release – 1 May 2024

DRAFT

From: [Irwin, Andrew](#)
To: s22(1)(a)(ii) ; [Gannon, Bridget](#); [Catherine.Fitch@ag.gov.au](#); s22(1)(a)(ii) @ag.gov.au; [Rebekah.kilpatrick@ag.gov.au](#); s22(1)(a)(ii) @ag.gov.au; s22(1)(a)(ii) @esafety.gov.au; s22(1)(a)(ii) @oaic.gov.au"; s22(1)(a) @eSafety.gov.au; s22(1)(a)(ii) @dta.gov.au; [rick.brown@aic.gov.au](#); s22(1)(a)(ii) @education.gov.au; s22(1)(a)(ii) @industry.gov.au; s22(1)(a)(ii) @finance.gov.au; s22(1)(a)(ii) @finance.gov.au; s22(1)(a)(ii) @pmc.gov.au; s22(1)(a) @pmc.gov.au; s22(1)(a)(ii) @pmc.gov.au; [Lara.Purdy@dss.gov.au](#); s22(1)(a) @dss.gov.au; s22(1)(a) @homeaffairs.gov.au; [womenspolicy@niaa.gov.au](#); s22(1)(a)(ii) @acc.gov.au
Cc: s22(1)(a)(ii) [Scotland,Penny](#); s22(1)(a)(ii)
Subject: Cross-Government Working Group – age assurance trial [SEC=OFFICIAL]
Attachments: [Draft Implementation Plan.docx](#)
[CGWG Draft Terms of Reference.docx](#)
[CGWG Meeting Agenda.docx](#)

OFFICIAL

Good afternoon

Thank you to everyone who responded with availability to attend this meeting – we have tried to accommodate as many people as possible. If you are unable to attend at this time, grateful if you could please send a proxy.

This meeting will commence work of the Cross-Government Working Group (CGWG) to support DITRCA's work to develop a trial of age assurance technologies to protect children from harmful content, like pornography and other age-restricted online services.

An agenda and papers will be circulated early next week.

Kind regards,

Andrew

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s22(1)(a)(ii)



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Australian Government

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

Age Assurance Trial Cross-Government Working Group

Agenda

Date: 23/05/2024 **Time:** 11am
Chair: Andrew Irwin, Assistant Secretary, Online Safety Branch

LOCATION	DATE / TIME
Webex link:	23 May 2024 11am – 12.00pm AEDT
s22(1)(a)(ii)	

AGENDA ITEM	Lead	Indicative timing
1. Welcome, acknowledgement of country and introduction of attendees	Andrew Irwin, All	11.00am
3. Role of CGWG and draft Terms of Reference	Andrew Irwin	11.10am
4. Discussion of Terms of Reference	All	11.25am
5. Introduction of draft Implementation Plan	Andrew Irwin	11.35am
6. Discussion of Implementation Plan	All	11.45am
7. Next meeting and any other business	Andrew Irwin	11.55am
8. Close	All	12pm

From: [Irwin, Andrew](#)
To: s22(1)(a)(ii) [redacted]; Catherine.Fitch@ag.gov.au;
s22(1)(a)(ii) @ag.gov.au; Rebekah.Kilpatrick@ag.gov.au; s22(1)(a) @ag.gov.au;
s22(1)(a)(ii) @ag.gov.au; rick.brown@aic.gov.au; s22(1)(a)(ii) @education.gov.au;
Penny.Scotland@education.gov.au; s22(1)(a)(ii) @education.gov.au; gemma.sandlant@education.gov.au;
s22(1)(a)(ii) @finance.gov.au; s22(1)(a)(ii) @education.gov.au; s22(1)(a)(ii) @finance.gov.au;
Matthew.Short@health.gov.au; s22(1)(a)(ii) @homeaffairs.gov.au; s22(1)(a)(ii) @industry.gov.au;
s22(1)(a)(ii) @pmc.gov.au; s22(1)(a) @pmc.gov.au; s22(1)(a) @dss.gov.au; Lara.Purdy@dss.gov.au;
s22(1)(a)(ii) @esafety.gov.au; s22(1)(a) @eSafety.gov.au; s22(1)(a)(ii) @niaa.gov.au;
s22(1)(a)(ii) @niaa.gov.au; s22(1)(a)(ii) @niaa.gov.au; s22(1)(a)(ii) @niaa.gov.au;
s22(1)(a)(ii) @oaic.gov.au; s22(1)(a)(ii) [redacted]
Cc: s22(1)(a)(ii) [redacted]
Subject: Age assurance Cross-Government Working Group meeting [SEC=OFFICIAL]
Start: Wednesday, 19 June 2024 2:00:00 PM
End: Wednesday, 19 June 2024 3:00:00 PM
Location: Webex Link / 3.009 O'Sullivan (DITRDCA Staff)
Attachments: [CGWG Draft Terms of Reference - CGWG comments.docx](#)
[Proposed Criteria for the age assurance trial.docx](#)
[Summary of first CGWG meeting.docx](#)
[Draft Implementation Plan.docx](#)

OFFICIAL

CGWG members,

At this meeting we will discuss:

- * The updated Implementation Plan (for noting)
- * Criteria for the technical assessment component of the age assurance trial (for input)
- * Proposed age limit on access to social media (for input)

Minutes from the previous meeting, an agenda and paper on proposed assessment criteria will be circulated ahead of the meeting.

Kind regards,

Andrew


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Age Assurance Cross-Government Working Group

Terms of Reference

Secretariat:	Online Safety Branch, Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)
Establishment date:	May 2024
Meeting platform:	Virtual - Webex
Context and purpose:	
<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 will be in parallel to the existing work of the eSafety Commissioner under the <i>Online Safety Act</i> – including through industry’s development of 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>	
Roles and Objective:	

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The CGWG will support DITRDCA’s work to develop a trial of age assurance technologies. It will:

- Provide advice on their agencies’ experience with related research, regulation, and policy areas such as identity, security and privacy.
- Contribute to an Implementation Plan to explain how the trial will be managed.
- Design aims for research into public preparedness to use age assurance technologies.
- Advise DITRDCA on criteria for assessing age assurance technologies, and determine how success is to be measured.

DITRDCA will:

- Provide a Secretariat for the CGWG.
- Procure consumer research.
- Procure an independent testing organisation to test commercially available technologies against the assessment criteria.
- Develop the results of this testing into recommendations for Government.

Meeting protocols:

Attendance

- Membership is at the SES Band 1 or Executive Level 2 level.
- The membership list below may be adapted or expanded to include representatives from other departments and government entities where relevant.
- The Secretariat is responsible for the agenda, minutes, and attendance list.
- Minutes and actions will be endorsed by members at the meeting following.

Actions

- The Secretariat will capture and track agreed actions and their implementation.

Duration of this group and frequency of meetings.

- The CGWG will work during 2024-25 to develop a trial of age assurance technologies. This may be extended as required.
- Subject to agreement of the CGWG, it is proposed that the group meet on a monthly basis.

Interdepartmental membership:

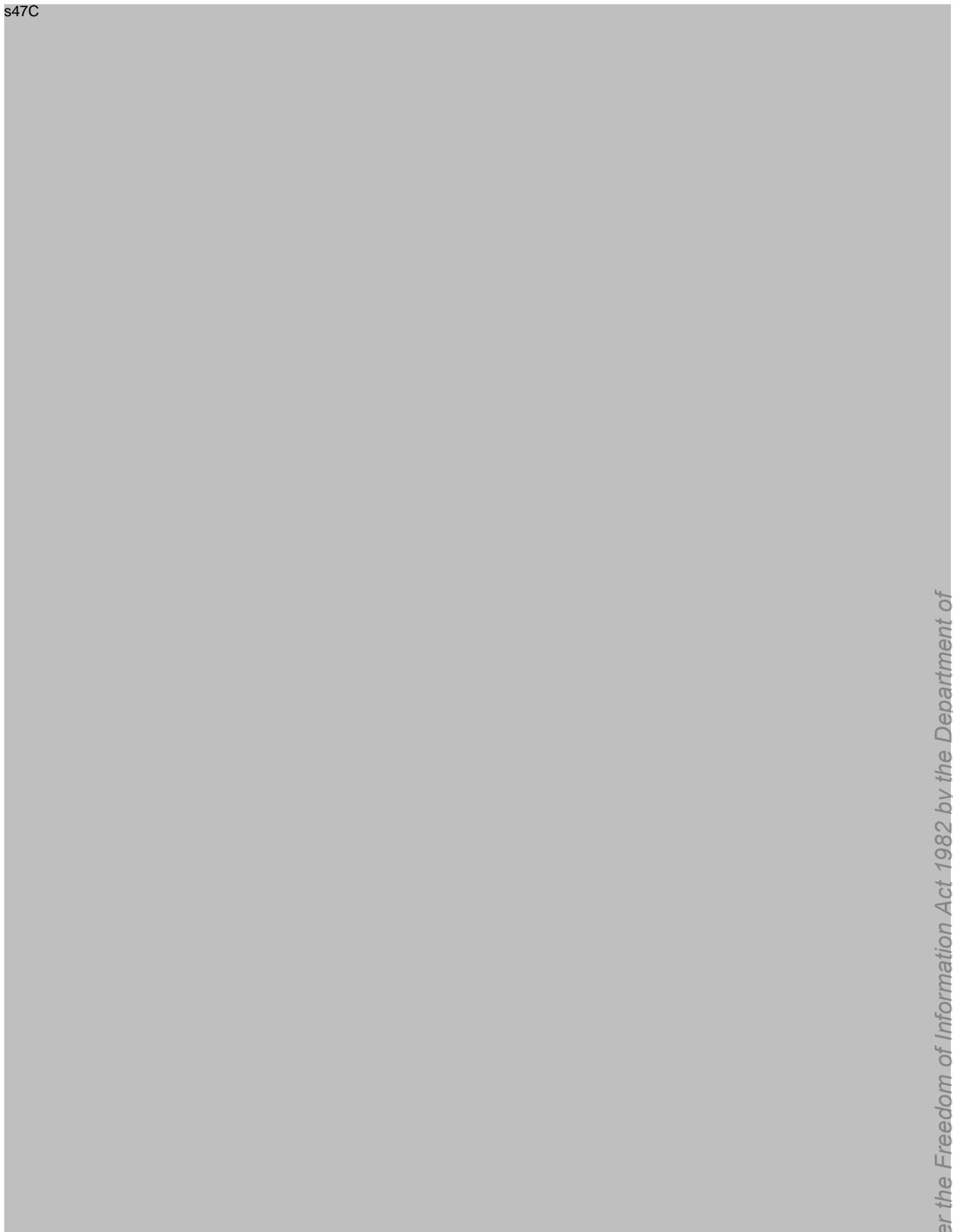
Attorney-General’s Department	Information Law Branch/ Privacy Reform Taskforce
	National Office for Child Safety
Department of Education	Child Safety Policy
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	Online Safety Branch
Department of Industry, Science, and Resources	Data & Digital Policy
Department of Finance	Data Policy and Assurance Branch, Digital ID and Data Policy Division
	Emerging Policy & Technology Branch, Digital ID and Data Policy Division

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Department of the Prime Minister and Cabinet	Office for Women
	Communications and the Arts
Department of Social Services	Prevention and Early Intervention Branch'
Digital Transformation Agency	Digital Identity Strategy
Home Affairs	Technology Security Policy Branch
National Indigenous Australians Agency	Women's Leadership and Gender Equality
Australian Institute of Criminology	
eSafety Commissioner	Industry Regulation and Legal Services
	Regulatory Policy and Strategy
Office of the Australian Information Commissioner	Law Reform & Digital Platforms

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Minutes: Cross-Government Working Group (CGWG) on age assurance

Thursday 23 May 2024

1. Welcome, acknowledgement of country and introduction of attendees	Andrew Irwin, All	11.00am
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Chair - Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Attending departments and agencies:

- Attorney-General's Department
- Department of Education
- Department of Finance
- Department of Prime Minister and Cabinet
- Department of Social Services
- National Indigenous Affairs Agency
- Australian Institute of Criminology
- eSafety Commissioner
- Office for Women
- Office of the Australian Information Commissioner

3. Role of CGWG and draft Terms of Reference	Andrew Irwin	11.10am
--	--------------	---------

- DITRDCA provided an overview of the role of the CGWG as per the circulated draft Terms of Reference.
- DITRDCA noted that the age assurance trial sits in parallel with the OSA Phase 2 codes, which cover the whole online ecosystem.
- The CGWG will support DITRDCA's work to develop a trial of age assurance technologies. It will:
 - Provide advice on their agencies' experience with related research, regulation, and policy areas such as identity, security and privacy.
 - Contribute to an Implementation Plan which explains how the trial will be managed.
 - Design aims for research into public preparedness to use age assurance technologies.
 - Advise DITRDCA on criteria for assessing age assurance technologies, and determine how success is to be measured, and
 - Consider international regulatory approaches.
- DITRDCA's role will be
 - Providing a Secretariat for the CGWG.
 - Seeking legal advice on implementing age assurance in Australia.
 - Procuring consumer research
 - This will seek consumer views of the use of different age assurance technologies, and priorities about safety and privacy.
 - Procuring an independent testing organisation to test commercially available technologies against the assessment criteria, and
 - Developing the results of this testing into recommendations for Government.

Minutes: Cross-Government Working Group (CGWG) on age assurance

Thursday 23 May 2024

- DITRDCA acknowledged that the trial builds on the foundation of work done by eSafety, and the trial’s scope will cover social media as well as pornography.

4. Discussion of draft Terms of Reference All 11.25am

- DITRDCA sought initial feedback from agencies on the draft Terms of Reference.
- **Action item:** eSafety undertook to share the Roadmap for Age Verification and its Background, which will provide useful context for CGWG participants.
 - o eSafety also noted that it will soon release:
 - a Tech Trends paper on age assurance technologies, and
 - a public expectations document for industry about the Phase 2 codes under the Online Safety Act.
- NIAA sought advice about how the age assurance trial would bring in the perspectives of indigenous people’s online use, given young First Nations Australians have a high take-up of social media.
 - o DITRDCA stated that it would work with NIAA to ensure vulnerable users are included in the trial’s research.

5. Introduction of draft Implementation Plan Andrew Irwin 11.35am

s47C



4. Discussion of draft Implementation Plan All 11.45am

- DITRDCA sought initial feedback from agencies on the draft Implementation Plan.
- Participants from eSafety and the Department of Education provided suggestions about how to include youth views in the trial.
- s34(3)



Minutes: Cross-Government Working Group (CGWG) on age assurance

Thursday 23 May 2024

5. Next meeting and any other business	Andrew Irwin	11.55am
--	-----------------	---------

-
- DITRDCA reminded participants that red-line comments on the draft implementation plan, suggestions for additional members for the CGWG and comments on the draft Terms of Reference were requested by 29 May.
 - The next meeting will be held in the second half of July.

6. Close	All	12pm
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s22(1)(a)(ii)



OFFICIAL

From: Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>
Sent: Wednesday, 19 June 2024 8:52 AM
To: Fell, Anthea <Anthea.Fell@pmc.gov.au>; Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>
Cc: s22(1)(a)(ii) @pmc.gov.au
Subject: Re: Summary of current and proposed age limits for various activities [SEC=OFFICIAL]

OFFICIAL

Useful thanks Anthea!

OFFICIAL

From: "Fell, Anthea" <Anthea.Fell@pmc.gov.au>
Date: Wednesday 19 June 2024 at 8:45:44 AM
To: "Gannon, Bridget" <Bridget.Gannon@infrastructure.gov.au>, "Irwin, Andrew" <Andrew.Irwin@INFRASTRUCTURE.gov.au>
Cc: s22(1)(a)(ii) @pmc.gov.au
Subject: FW: Summary of current and proposed age limits for various activities [SEC=OFFICIAL]

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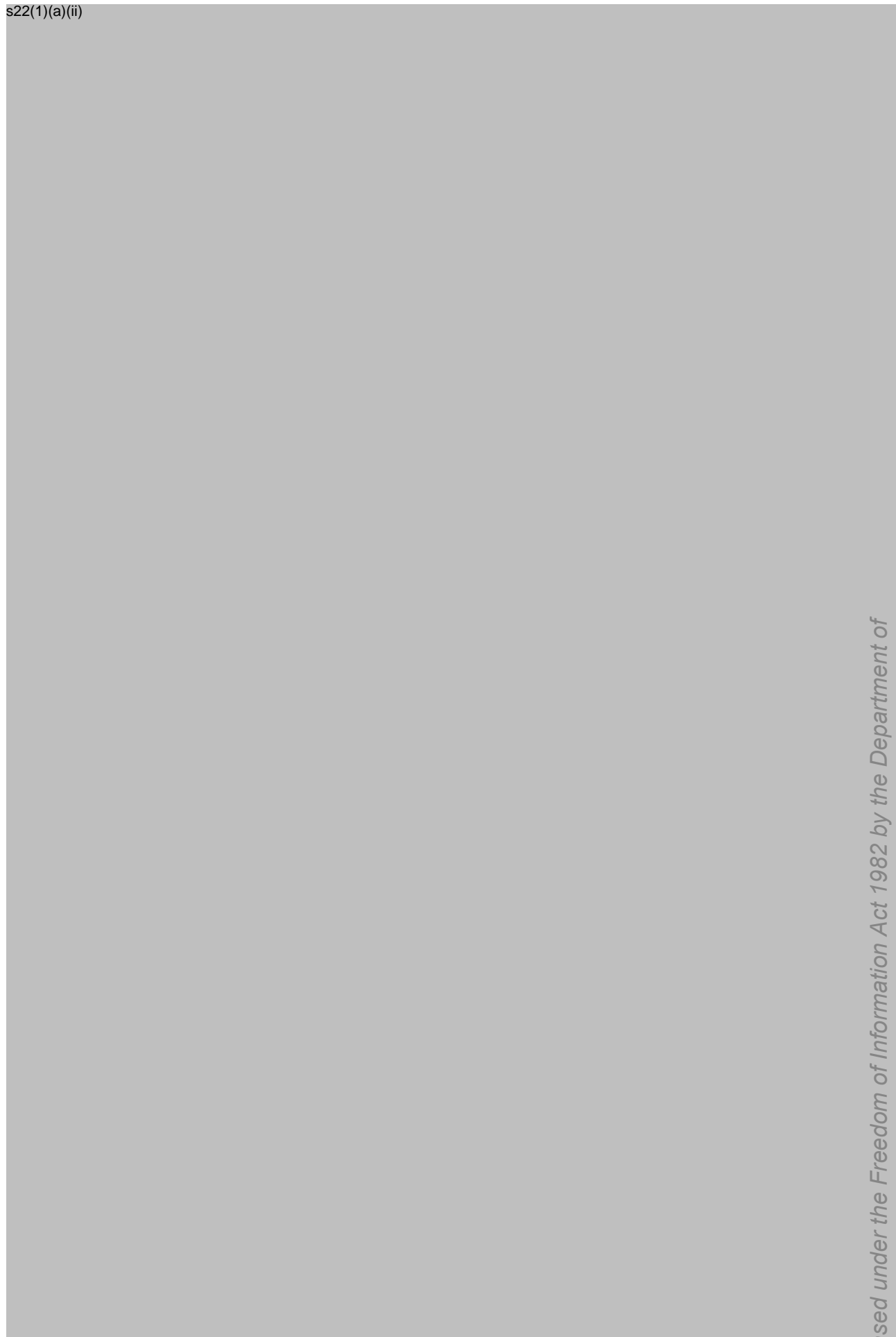
Hi Bridget and Andrew
This may have been provided already to your branch but wanted to send directly – below and attached we provided to PMO on request for factual about age limits for various activities. PMO mentioned it had been discussed between offices so providing for visibility.
AF

s22(1)(a)(ii)



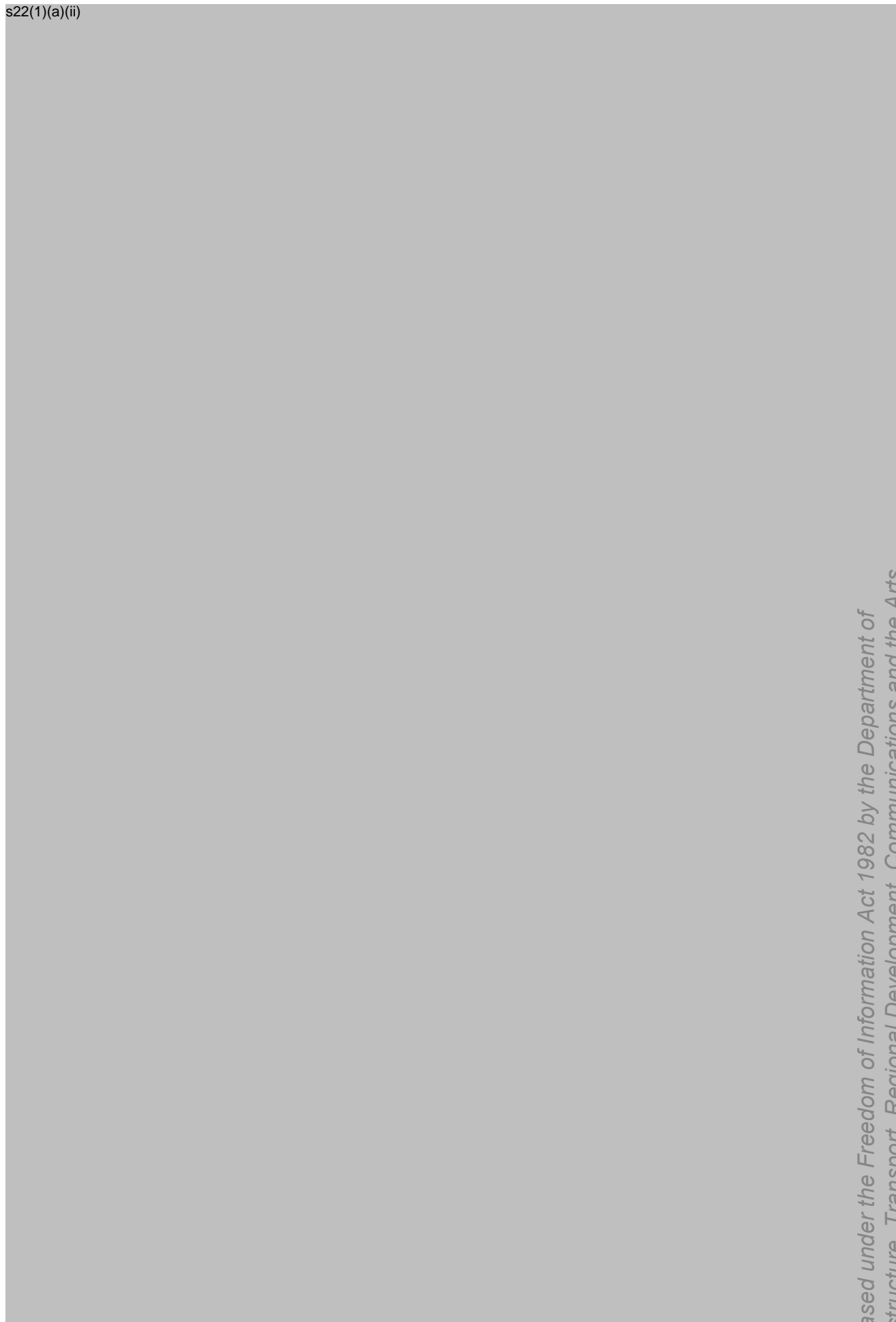
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Summary of legal ages for Australian teenagers

Activity	Legal Age	Rationale
Age of criminal responsibility	10 (or 14 in most states)	The Commonwealth minimum age of criminal responsibility (MACR) is 10, with a presumption against criminal responsibility for children under 14. Jurisdictions also have ages of criminal responsibility and several jurisdictions have recently increased their MACRs (e.g. NT, ACT, Vic), typically to 14. The international average is 14.
Employment: casual and part time	N/A or 13	Generally, in NSW, SA, Tas, ACT and the NT, there's no minimum age for most types of casual or part-time work. In Victoria, Western Australia and Queensland, there's a minimum age of 13 years to start casual or part-time work. All states and territories have exceptions and restrictions that apply to their age-related employment rules, such as not working during school hours or doing 'light-work'.
TikTok, YouTube, Meta (Facebook and Instagram), Snapchat, X	13	13 is the minimum age to have an account under each of the platforms' Terms of Service. We understand the rationale of this age limit is so that platforms do not breach the United States Children's Online Privacy Protection Act of 1998, which prevents collection and storage of personal information from children under 13 years of age.
Healthcare	N/A or 14+	At any age, children can visit a doctor without a parent or a guardian being present. From 14, children can: <ul style="list-style-type: none"> consent to simple health care treatments control what goes into their My Health Record and who has access to it. At 15, children can get their own Medicare card, or younger if they ask a parent or carer for it. From 16, children can consent to medical and dental treatment in the same way that adults can. But they don't have an automatic right to refuse treatment, particularly life-saving treatment. At 18, they can give full legal consent for medical treatment and also refuse it.
Office of the Australian Information Commissioner	15	The Australian Privacy Principles guidelines allow organisations to presume that an individual over 15 can consent to privacy decisions, where it not practicable for that organisation to assess capacity on a case-by-case basis.
Driving	16	To get learner permits to drive cars, children must be 16 years old, except in the ACT, where it's 15 years and 9 months. The minimum age at which drivers can get their Ps ranges from 16 years and 6

		months in the Northern Territory to 18 years in Victoria. It's 17 years in other states and territories.
Sexual Consent	16 (or 17)	Differs by jurisdiction : Age 16: ACT, NSW, NT, Qld, Vic, WA Age 17: SA, Tas In eSafety's survey of 16-18-year-olds in 2022 to inform the Age Verification Roadmap, it found one in two respondents think the age of access to online pornography should match the age of consent (eSafety, 2023, Age Verification Roadmap)
Sexting	Sexting can be a crime if it involves people under 18.	The laws around sexting (including the definition of sexting) differ between the states. Image-based sexting is illegal in all Australian states and territories except in Victoria and Tasmania. In Victoria and Tasmania, there are legal defences for sexting if both people are under 18 and there's no more than a 2-year age gap.
Drinking alcohol	18	VIC, WA, SA, Qld, ACT, NSW – under 18s can drink under adult supervision in private residence.
Gambling	18	18 for all states and territories, including lottery and scratchy cards, pokies, TAB, at casinos and online/apps.
Australian Government Privacy Law	18	The Australian Government response to the Privacy Act Review agrees with the Review's recommendation that a child be defined as an individual not yet 18 years of age, and agrees to establish a Children's Online Privacy Code following legislative reforms enabling such a code.
Marriage	18	Under the Marriage Act 1961 , a person cannot get married before they reach the age of 18 unless there are exceptional circumstances (in which case court approval and consent of a parent or guardian is required).
Protections under <i>Online Safety Act 2021</i>	18	The <i>Online Safety Act 2021</i> uses the definition of an adult as any person aged 18+, and similarly a child is anyone under 18. This definition is relevant to regulatory schemes such as the Adult Cyber Abuse Scheme and the Cyberbullying Scheme, which provide actions available to eSafety under the Act to address cyberbullying of Australian adults and children, respectively. This definition is also relevant to the amended Basic Online Safety Expectations (BOSE) Determination and the new expectation on online service providers to ensure that the best interests of the child are a primary consideration in the design and operation of any service likely to be accessed by children.

**There are no Australian laws about when children are allowed to have mobile phones or use the internet.*

Summary of current and proposed ages to limit or restrict social media access

State	Age proposed	Rationale
Victoria	No specific age proposed	The Premier has called for a national response to social media.
Queensland	14	Queensland's Chief Health Officer declared a "public health alert" in 2024, with Queensland Health recommending that parents should limit social media access for children under 14, support children as social media is introduced, and restrict time until healthy habits are established.
South Australia	14	Has appointed former Chief Justice of the High Court, Robert French AC to conduct a legal examination into banning children under the age of 14 from having social media accounts.
New South Wales	16	Proposed age limit on social media: Hosting a Social Media Summit in October.

Key facts regarding children's access online:

- According to DITRDCA, 45% of parents and carers in Australia do not use any parental controls ([eSafety, 2023, Age Verification Roadmap](#)).
- 2022 UK research by OfCom found 60% of children under the age of 13 have social media accounts, despite not being old enough – and 39% of children aged 8-12 with a social media profile have a user age of 16+. This means age-specific safety measures will not be properly enabled and therefore will not be effective ([eSafety, 2023, Age Verification Roadmap](#)).
- eSafety's research with 16-18-year-olds for the Age Verification Roadmap found 75% of participants had seen online pornography ([eSafety, 2023, Age Verification Roadmap](#)).
 - Of those, nearly one third saw it before the age of 13, and nearly half saw it between the ages of 13 and 15
- In eSafety's survey of 16-18-year-olds in 2022 to inform the Age Verification Roadmap, it found one in two respondents think the age of access to online pornography should match the age of consent ([eSafety, 2023, Age Verification Roadmap](#)).
- More than three in four (78%) Australian adults support government implementation of age assurance for online pornography. However, there are concerns about effectiveness, privacy, and security ([2021, eSafety](#))
 - Despite these concerns, 34% 'supported' and 44% 'strongly supported' the concept of the Australian government implementing an age verification initiative.
- The negative impacts of pornography are more pronounced in children under 14, marginalised and at-risk young people, and high frequency users of pornography (eSafety [consultations](#) 2022)
- Access and exposure to pornography for under 16s is generally seen as inappropriate. A more nuanced approach to pornography should be considered for young people who have reached the age of sexual consent (16- to 17-year-olds). (eSafety [consultations](#) 2022)

s22(1)(a)(ii)



~~PROTECTED~~

From: s22(1)(a)(ii) @pmc.gov.au
Sent: Thursday, 27 June 2024 2:04 PM
To: Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>; s22(1)(a)(ii) @pmc.gov.au
Cc: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au; s22(1)(a)(ii) @COMMUNICATIONS.gov.au
Subject: RE: FYI - Letter from Minister Rowland - Trial of age assurance technologies
~~[SEC=PROTECTED, CAVEAT=SH.CABINET]~~

~~PROTECTED#CABINET~~

Thanks Andrew, we'll let you know if we have any questions.

Regards

s22(1)(a)(ii) | Senior Adviser
 Communications and Arts | Industry, Infrastructure and Environment Division
 Department of the Prime Minister and Cabinet
 p. 02 6228 s22(1)(a) | s22(1)(a)(ii)
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
 e. s22(1)(a)(ii) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Irwin, Andrew <Andrew.Irwin@INFRASTRUCTURE.gov.au>
Sent: Thursday, 27 June 2024 1:47 PM
To: s22(1)(a)(ii) @pmc.gov.au; s22(1)(a)(ii) @pmc.gov.au
Cc: Gannon, Bridget <Bridget.Gannon@infrastructure.gov.au>; s22(1)(a)(ii) @infrastructure.gov.au; s22(1)(a)(ii) @COMMUNICATIONS.gov.au
Subject: FYI - Letter from Minister Rowland - Trial of age assurance technologies
~~[SEC=PROTECTED, CAVEAT=SH.CABINET]~~

~~PROTECTED, SH.CABINET~~

Hi s22(1)(a)(ii)

As discussed just now, please find attached Minister Rowland’s letter and the draft implementation plan on age assurance. Our DLOs have just sent this across to the PMO as well.

Cheers,

Andrew

Andrew Irwin (he/him)

Assistant Secretary • Online Safety Branch
• Online Safety, Media and Platforms Division

Andrew.Irwin@infrastructure.gov.au

P +61 2 6136 s22(1)(a) • M s22(1)(a)(ii)
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

s22(1)(a)(ii)



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.

Ngunnawal Country

~~PROTECTED, SH:CABINET~~

~~PROTECTED, SH:CABINET~~

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The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MS24-001097

The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

I am writing in relation to the trial of age assurance technologies announced on 1 May 2024.
s34(3)

I am pleased to advise that my Department is continuing its work on the trial, with an Implementation Plan for the trial now settled following cross-government consultation. I am
s34(3)

s47C

Thank you for your continued support for this important work which is so important to creating a safer online environment for Australian children and families.

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

~~PROTECTED CABINET~~

A copy of this letter has also been provided to the Attorney-General, the Hon Mark Dreyfus KC, MP in his capacity as Cabinet Secretary.

Yours sincerely



Michelle Rowland MP

27 / 6 / 2024

Enc: Implementation Plan

cc: Cabinet Secretary, the Hon Mark Dreyfus KC, MP

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~~PROTECTED CABINET~~

Document 9B (pages 43 to 54) has been removed under sections 34(1)(a) and 34(1)(d) of the *FOI ACT 1982*.