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Restricted Access System to limit the exposure of children and young people under 18 to some age-inappropriate online material

The Association of Heads of Independent Schools of Australia (AHISA) has contributed a submission to eSafety's roadmap consultation on age verification and access to online pornography and we appreciate the opportunity to also submit to eSafety's consultation on the new Restricted Access System (RAS).

In this submission we emphasise a point already raised in our submission on age verification, that the exposure of children and young people to age inappropriate material has social as well as individual impacts. We recommend that, in shaping the new RAS, eSafety considers the imperative of government to act on behalf of young people and Australian society more broadly and takes into account the cultural and societal implications if the RAS fails to reflect potential harms to society as well as individuals.

Protecting our social fabric

In his book, [*Culture & values at the heart of policy making: An insider's guide*](#), Stephen Muers discusses the question of 'whether governments can affect culture and values, and also whether they should'. Muers concludes that governments cannot avoid affecting culture and values:

[It] is hard to imagine how the state can avoid affecting culture and values in some way, even if it doesn't have policies that are explicitly intended to do so. Therefore the choice is not between affecting culture and not affecting it, but between doing so by conscious action and doing so by omission.' (Page 62)

Considering the case of liberal democratic governments, Muers continues:

It seems to me that affecting culture by omission is not more true to a liberal ideal but is instead potentially careless. If the state's impact on culture is not considered consciously, there must be a risk that impact is more harmful to overall liberal values than would otherwise be the case... [It] is not clear cut where the right balance lies between trying to do nothing and thereby affecting culture by accident and a heavy-handed approach that ends up distorting proper democratic development. Each society needs to find out where the balance is that works in that context and to adapt that over time. This process is more likely to take place effectively if governments are explicit and conscious about how they might affect culture and values. (Pages 62-63)

eSafety's RAS discussion paper suggests there are high-stakes issues around culture and values at play in determining the appropriate weight to give to three potentially competing rights in relation to the protection of children and young people:

- The right of children and young people to be protected from exposure to material deemed to be unsuitable or harmful
- The rights of adults (defined as 18 years of age and over) to access material that includes realistically simulated sexual activity between adults, high impact violence, high impact drug use and other classified material except material given an X18+ classification
- The rights of providers of social media services, relevant electronic services and designated internet services to conduct their businesses without unnecessary financial or administrative burdens in meeting government regulatory requirements.

AHISA proposes that a fourth consideration must be taken into account in shaping the new RAS to protect young Australians from exposure to unsuitable material, that is, the right of all Australians to enjoy a strong and healthy social fabric.

This right is already implicitly recognised in the intent to restrict access to high impact violence and high impact drug use and in the power accorded the eSafety Commissioner to issue removal notices for child sexual abuse material, material providing instruction in crime and violence and material promoting or advocating a terrorist act. These provisions are just as much concerned with the capacity of such behaviours to undermine our social fabric as they are with the protection of individuals from harm.

In our submission to eSafety's age verification consultation, AHISA referred to testimonies collected by the [Teach Us Consent](#) campaign earlier in 2021 as pointing to a culture of sexual violence among young Australians fuelled by pornography, alcohol and drugs. Similar testimonies gathered by the UK's [Everyone's Invited](#) campaign and findings of the British Government's [rapid review project to assess the extent of student sexual harassment and online abuse experienced by children and young people](#) suggest that the prevalence of this problem is in part driven by young people's time spent in digital spaces.

AHISA argued in its age verification submission that in relation to the exposure of children and young people to online pornography the Australian Government must seek to influence cultural change as well as protect individuals. The RAS is an opportunity to wield cultural influence and help protect Australia's social fabric.

Yours faithfully,

(Ms) Beth Blackwood

AHISA Chief Executive Officer

ABOUT AHISA

AHISA Ltd is a professional association for Heads of independent schools.

The primary object of AHISA is to optimise the opportunity for the education and welfare of Australia's young people through the maintenance of collegiality and high standards of professional practice and conduct amongst its members.

AHISA's 440 members lead schools that collectively account for over 450,000 students, representing over 70 per cent of total independent sector enrolments and 11.4 per cent of total Australian school enrolments. AHISA members' schools also educate a significant proportion of senior secondary students: 20 per cent of Australia's Year 12 students attend AHISA members' schools.