

Introduction

Assembly Four is grateful for the opportunity to respond to the Restricted Access System consultation.

Assembly Four was founded on the belief that impact is more important than profit. We strongly believe that having the ability to make decisions about our bodies and sexual lives is a fundamental human right. Anyone should be able to make these choices without fear, violence or discrimination.

In collaboration with sex workers across the globe, we create products and services that help them thrive; not just survive. We are a small team based in Melbourne, Australia with a specialised understanding of the complex challenges workers face and are dedicated to providing solutions to amplify their voices.

Restricted Access System effectiveness and impacts

1. Under the Online Safety Act 2021, the RAS will only apply to Restricted Material that is provided from Australia on a social media service, relevant electronic service or designated internet service, or that is hosted in Australia. What elements should be part of an effective system to limit access to that kind of material?

It's vital to highlight that whatever mechanisms are decided upon to restrict access, that the following are kept in mind of the regulators;

- a. Queer youth that are more likely to explore their sexuality through educational material found online.
- b. Not everyone has access to government identification document or accurate documentation, see Transgender people and the myriad of ways that systems fail to cater for common use case.
- c. Pornography has been available in various forms prior to the internet, it is necessary to consider whether online pornography presents unique issues for children and young people.
- d. The impacts on Australian small and medium businesses are considered and allows these entities to stay competitive on a local and international level.
- e. Larger technology companies are generally less resistant to restrictive and expensive legislation and regulation as a way to diminish or even

quash their local competitors through the financial cost of implementation and on-going maintenance.

- f. People who experience harm from a third-party identity provider, even if provided protections through the Commonwealth may not be able to handle the financial or emotional burden of legal action.

2. Has industry experienced any difficulty complying with the Restricted Access System Declaration 2014?

‘Industry’ is a vague term, as it isn’t just the technology industry that is impacted by the Restricted Access System Declaration 2014.

As a whole, ‘Industry’ has responded well but it’s important to raise, just like the Privacy Act, a lot of people who are just entering these industries may not realise the importance or their obligations under this legislation.

We recommend that bodies like the ABR or ASIC run semi-regular workshops and communications on topics such as obligations under the Privacy Act, Data Breaches (including which bodies are available to provide assistance), Interacting with Law Enforcement and Age Assurance & Verification.

3. Has the Restricted Access System Declaration 2014 allowed industry the flexibility to develop access-control systems appropriate to their business models?

For the most part, yes; the primary issue in extending this requirement as proposed is that industry already faces an unwillingness from consumers to provide hard identifiers (such as government identity documents) due to the lack of consumer and data protections provided by the Commonwealth Government and a lack of confidence in how their sensitive information will be handled, shared, or stored.

This ultimately results in consumers using alternative websites that are not based in Australia and not subject to Australian jurisdiction.

During the COVID-19 pandemic, we have seen a dramatic increase in phishing attacks focusing on identity theft and this will diminish and undermine the work that is being done by cyber security professionals, Australian Cyber Security Centre, and other government organisations trying to prevent cyber crime.

- 4. What is the nature of the impact that has been experienced by:**
- a. Industry; and**
 - b. The Australian Public**

As a result of the Restricted Age System Declaration of 2004? Have financial and administrative burdens been placed on service providers by the 2014 RAS declaration? Have there been any indirect effects? (For example, costs being passed on to consumers or suppliers) Please provide examples

As previously mentioned, 'industry' is a broad term and encompasses different sectors with different concerns and access to resources; industries that utilise technology shouldn't be treated as a monolithic entity.

As mentioned in Question 3; Australian consumers are growing ever more hesitant to provide hard identifiers such as government identification documents due to the lack of civilian data protections for government misuse and the risk of data breaches; see the users that died of suicide and were blackmailed through the hack of Ashley Madison.

Age Restrictions methods

- 5. What factors should be considered when assessing the effectiveness and impacts of systems, methods and approaches to limiting access or exposure to age-inappropriate material?**

Please see the Assembly Four submission to the *Call For Evidence on Age Verification* for a complete list of recommendations and commentary.

- a. Privacy expectations and protections must be increased in Australia in order to protect civilian interests and privacy.
- b. Age assurance and verification must be proportionate to the risk.
- c. Technologies that use facial recognition should not be considered at this point in time due to the sheer volume of ethical issues surrounding the implementation of the technology and the fact that facial recognition has a high failure rate among Black, Indigenous and People of Colour, and people with facial differences or disabilities.
- d. Platforms that cater to young people must preserve their privacy and allow for mechanisms to tailor their experiences, such as limiting public profiles or having parental controls.
- e. It's important to highlight the risk of children or young people using another person's identity document or even falsified documents to

access a platform or information; which may make them or their carer liable for a crime.

6. What systems, methods and approaches do you consider effective, reasonable and proportionate for verifying the age of users prior to limiting access age-inappropriate material?

It's important to highlight that 'age-inappropriate' material is vague and highly subjective. By applying this term broadly, there is a real risk of restricting access to educational material, such as news, history and in particular harm-reduction material such as drug and sexual health resources; which tends to be accessed without the caregivers knowledge.

It's important to highlight that not all caregivers are appropriate or safe people, and that most abuse originates from the home or other domestic spaces.

Age assurance and verification methods should be proportionate to the risk presented and should avoid using hard identifiers such as government identity documents, especially sites that are targeted at children and young people.

7. Should the new RAS be prescriptive about the measures used to limit children's exposure to age-inappropriate material, or should it allow for industry to determine the most effective methods?

Industry must be able to determine the most effective and proportionate methods for their sector, users, and their presented risk profile.

We can demonstrate through the United Kingdom's failure to implement and indefinite delay of their Age Verification system for online pornography that not only is technical implementation of these systems difficult but there is also significant concerns in regards to profiling and blackmail of individuals.

It would be beneficial, as previously stated, for best practices to be provided and marketed through regulatory bodies such as the ABR and ASIC to ensure greater coverage and understanding to new and emerging industries and businesses.

8. Is there any additional information eSafety should consider in drafting a new Restricted Access System declaration?

The Assembly Four submission to the *Call for Evidence on Age Restriction* has significantly more information about the holistic considerations.

Conclusion

In conclusion, we recommended that the committee reads the Assembly Four and Scarlet Alliance submissions to the *Call For Evidence on Age Verification* for a complete list of sources and recommendations.

Assembly Four

Eliza Sorensen

Lola Hunt

Jack 'chendo' Chen