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Executive Manager
Investigations Office of the eSafety Commissioner
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BY EMAIL: submissions@esafety.gov.au

We refer to our submission on the Restricted Access System (“RAS”) Discussion Paper and welcome the opportunity to now provide feedback on the Draft RAS Declaration Determination (the “Draft Determination”) and Explanatory Statement. Google remains committed to putting measures in place that seek to prevent and deter minors from accessing content that has been deemed to be only for adult consumption.

Google adopts a multi-pronged strategy to minimise the risk of exposure to such content by minors, including deploying safety by design principles throughout our product development cycle, implementing access controls across a range of Google products including Play and YouTube and investing in awareness raising and education to both inform parents / carers and young people about access controls and to cultivate strong digital literacy skills amongst children and young people.

Our submission to the RAS Discussion Paper emphasised the use of different combinations of access tools for a diverse range of products and services. We firmly believe that flexibility must be built into any RAS to enable organisations to deploy a range of tools that are appropriate to their specific service / platform. This flexibility should allow service providers to take all or some of the measures currently listed in the Draft Determination, or other available measures, depending on the risk posed by the service. For example, the requirement for users to declare they are over 18 may be unnecessary in circumstances where the user has already been verified to be over 18 and has been warned about and is seeking access to a movie rated 18+. This requirement goes further than the access controls in place to prevent under 18s from attending movies in cinemas, and service providers should have some flexibility to determine that this step is not necessary to prevent access to the movie by children. Flexibility is

particularly important given the expanded scope of the Draft Determination to content that may not have been classified and its extension to content that is hosted offshore.

Building and implementing restricted access controls in accordance with the Draft Determination requires careful consideration and would require changes to a range of products and services, and take considerable time. Given that the Determination is not yet finalised, and many technology companies implement a 'code freeze' preventing changes to products over the holiday period, we urge the Commissioner to include a transition period within the final Determination so that service providers have a reasonable period of time to implement the changes.

This transition period could also account for the fact that there are several other regulatory processes being developed that explicitly address the role of age verification / age assurance and parental consent; including the Commissioner's separate process to develop a roadmap for the mandatory introduction of age verification for access to online pornography as well as the Attorney General's Department consultation on an Online Privacy Code which includes a requirement for age verification / age assurance and parental consent for children under 16 seeking to access social media services. Google is, of course, engaging in all of these processes and while we hope to see a unified and cohesive approach to these important matters being taken across all branches of Government we would like to avoid having to make changes to our existing access controls for the purposes of compliance with the Determination only to find that the roadmap being developed by the Commissioner (to be delivered to the Government in December 2022) or indeed the Online Privacy Code (to be delivered 12 months from the passing of the Online Privacy Bill) require different or inconsistent changes to be made.

Thank you in advance for your consideration of this suggestion.

Yours sincerely,



Samantha Yorke
Government Affairs and Public Policy