

Centre for Theology and Ministry
29 College Crescent
Parkville Victoria
Australia, 3052
Telephone: 0409 166 915
jim@victas.uca.org.au

E-mail: submissions@esafety.gov.au

**Submission by the Synod of Victoria and Tasmania, Uniting Church in Australia on the Draft *Online Safety (Relevant Electronic Services – Class 1A and 1B Material) Industry Standard 2024* and Draft *Online Safety (Designated Internet Services – Class 1A and 1B Material) Industry Standard 2024*
21 December 2023**

The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes this opportunity to make a submission on the Draft *Online Safety (Relevant Electronic Services – Class 1A and 1B Material) Industry Standard 2024* and Draft *Online Safety (Designated Internet Services – Class 1A and 1B Material) Industry Standard 2024*.

The Synod is deeply concerned about serious human rights abuses that occur online or are facilitated online, including child exploitation.

Question 10. Should the requirement on certain relevant electronic service to respond to reports of class 1A and class 1B material on their service be limited to a requirement to take ‘appropriate action’?

Under section 19 of the Standard in relation to dating services, the requirement that a person only needs to provide a “phone number, e-mail or other identifier” to register is a very low standard and allows people to easily use false identities to register. It would appear to make it very easy for a person who has been terminated from the service for breaches to re-register with a false identity. We would prefer to see some requirement for the dating service to verify the true identity of the person registering.

Under section 25 and in other sections where the provider is required to remove material, the obligation should be to remove the material from being accessible to users, but to preserve the material as evidence for law enforcement agencies and to alert law enforcement agencies of the material should the law enforcement agency wish to investigate and to obtain a warrant to access the material as appropriate.

Question 12. Is there any additional information eSafety should consider in determining the Relevant Electronic Services Standard?

Under Section 15 (3) and (4) there is too much discretion for a provider to not have to report child sexual exploitation material or pro-terror material as the provider will be able to argue that in good faith they did not believe the material in question was “not known”. We would prefer to see a stronger requirement, that the provider must report the material unless they are certain the material is already known (such as they have reported the same material before).

Dr Mark Zirnsak
Senior Social Justice Advocate

Phone: [REDACTED]

E-mail: [REDACTED]