

19 February 2020

Director, Online Safety Research and Reform Section
Department of Infrastructure, Transport,
Regional Development and Communications

Dear Director,

Online Safety Legislative Reform

I am writing in response to the Department's Discussion Paper on Online Safety Reform.

Screen Producers Australia (**SPA**) was formed by the screen industry to represent large and small enterprises across a diverse production slate of feature film, television and interactive content. Relevantly for the purposes of the current review, many of our members produce children's content.

Our members employ hundreds of producers, thousands of related practitioners and drive more than \$1.2 billion worth of annual production activity from the independent sector as well as nearly \$1 billion in export earnings and tourism expenditure generated by the screen industry as a whole.

On behalf of these businesses we are focused on delivering a healthy commercial environment through ongoing engagement with elements of the labour force, including directors, writers, actors and crew, as well as with broadcasters, distributors and government in all its various forms. This coordinated dialogue ensures that our industry is successful, employment levels are strong and the community's expectations of access to high quality Australian content have been met.

Given the importance of digital platforms for the distribution of audiovisual content, SPA has an interest in the reform of Australia's online safety legislation. It is in that context that we make the following brief comments in response to the Discussion Paper.

SPA is supportive of the proposal to bring harmonise existing online safety legislation in a single instrument. We are also supportive of the legislation being underpinned by clearly articulated objectives, such as those set out in the Discussion Paper.

The online space is dynamic and the issue of safety cannot be considered in isolation. In conducting this review, SPA encourages you to have regard to relevant developments in relation to copyright enforcement and content regulation generally. The *Copyright Amendment (Online Infringement) Act 2018* which extended Australia's site blocking regime for websites hosting copyright infringing content is a case in point.

We also emphasise the need for consistency with international reforms. In this context, we draw your attention to the recent report of Canada's Broadcasting and Telecommunications Legislation Review Panel, *Canada's communications future: Time to act* which addresses both content and safety regulation issues < <https://www.ic.gc.ca/eic/site/110.nsf/eng/00012.html>>.

As the Discussion Paper acknowledges, children are a particularly vulnerable sector of the community. However, they are also digital natives and so new norms need to be developed to make the online space safe for them. The regulatory framework for content on commercial free-to-air television (also currently being reviewed) provides a convenient template. It has always recognised the special needs of children by requiring content to be created especially for child audiences and by setting rules about how and when that content is shown. In our submission, these are important considerations in arriving at a regulatory framework that facilitates a safe online space for children.

The role of digital platforms is clearly key for online safety. The YouTube Kids app and YouTube's new Children's policy (<https://support.google.com/youtube/answer/9383587?hl=en>) is a good example of a digital platform working with a (US) regulator to improve online safety for children globally.

SPA looks forward to continuing to engage as this package of reforms develops. If you have any queries, please do not hesitate to contact either myself, or our policy consultant, Fiona Phillips fiona.phillips@screenproducers.org.au,

Yours sincerely

A handwritten signature in black ink, appearing to be 'M Deaner', is written over a large, empty oval shape. A long horizontal line extends from the right side of the oval across the page.

Matthew Deaner

CEO

Screen Producers Australia