



Thursday September 8, 2022

James Penprase
Assistant Secretary, Media Reform Branch, Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
By email: media.reform@communications.gov.au

Dear Mr. Penprase,

Thank you for the opportunity to provide input on the remaking of the Broadcasting Services ("Broadcasting Service" Definition – Exclusion) Determination 2019 (the Determination), as outlined in the August 2022 consultation paper.

By way of background, DIGI is a non-profit industry association that advocates for the interests of the digital industry in Australia. DIGI's founding members are Apple, eBay, Google, Linktree, Meta, Snap, TikTok, Twitter and Yahoo, and its associate members are Change.org, Gofundme, ProductReview.com.au and Redbubble. DIGI's vision is a thriving Australian digitally-enabled economy that fosters innovation, a growing selection of digital products and services, and where online safety and privacy are protected.

We are supportive of the Consultation Paper's proposal that a determination be remade, to replicate the current Determination in the form of a new instrument made under subsection 6(2) of the BSA. We agree that this approach would provide continued and necessary certainty to industry and the community, while allowing time for the Government to explore the issue in the context of broader regulatory reforms.

It is also worth noting the significant regulatory developments that have transpired since the last time the Determination was extended in 2019, that relate to services currently subject to the exemption, most notably through the *Online Safety Act 2021* (the Act). As well as takedown schemes and the Basic Online Safety Expectations (BOSE), the Act requires the development of codes by industry associations to regulate certain types of harmful online material, known as Class 1A and 1B material with reference to Australia's classification scheme. This includes material promoting child sexual abuse, terrorism, extreme crime and violence, crime and violence, and drug-related content. DIGI has co-led the drafting of these codes, in collaboration with a steering group of industry associations, and drafts were released for public comment on September 1, 2022. Once finalised, the draft codes will be submitted for registration to the eSafety Commissioner, and registered codes are enforceable by the Commissioner.

DIGI shares the Government's strong commitment to combatting harmful content online, and we look forward to further engaging with broader regulatory reform processes. Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Sunita Bose", with a long horizontal flourish extending to the right.

Sunita Bose
Managing Director
Digital Industry Group Inc. (DIGI)