



Enhancing Online Safety for Children Bill 2014

AIIA response to Draft Legislation

January 2015

T 61 2 6281 9400
E info@aia.com.au
W www.aia.com.au



About AIIA

The Australian Information Industry Association (AIIA) is the peak national body representing Australia's information technology and communications (ICT) industry. Since establishing 36 years ago, the AIIA has pursued activities aimed to stimulate and grow the ICT industry, to create a favourable business environment for our members and to contribute to the economic imperatives of our nation. *Our goal is to "create a world class information, communications and technology industry delivering productivity, innovation and leadership for Australia".*

We represent over 400 member organisations nationally including hardware, software, telecommunications, ICT service and professional services companies. Our membership includes global brands such as Apple, Avande, EMC, Google, HP, IBM, Intel, Lenovo, Microsoft, PWC, Deloitte, and Oracle; international companies including Telstra and Optus; national companies including Data#3, SMS Management and Technology, Hills Limited, Technology One and Oakton Limited; and a large number of ICT SME's.

Response

The AIIA is pleased to provide comment in response to the release of the Draft *Enhancing Online Safety for Children* Bill.

In March 2014 AIIA provided a detailed response to the consultation process on the initial proposal for regulation in this area. We are pleased that the Government has had regard to the key issues we raised in our response, specifically in relation to the proposed process and the timeliness of response action, definitional and scope issues, resourcing of the Commissioner position and the potential regulatory implications of new arrangements.

We understand the Government's electoral commitment to address concerns regarding cyber-bully of children and the intention to provide appropriate protections for young people engaging online and specifically in social media activities.

We note the findings of the Regulatory Impact Statement and the assessment that the option to adopt a two-tiered scheme, backed by legislation, for the rapid removal of cyber-bullying material from social media services, imposes minimal regulatory effort and cost on service providers, particularly those provides classified in 'tier 1'.

However, noting the assumption that it is anticipated there will be no tier 2 providers and tier 1 organisations will typically have their own relevant compliance and complaint mechanisms in place, it is difficult to see why a legislative framework is in fact required.

AIIA understands the need for Government to send a strong message regarding the protection of children in an online environment and unequivocally supports the Government on this point. However, bearing in mind our observations above, we remain to be convinced that any regulatory intervention is required and will in fact have any material impact.

