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Official Committee Hansard

JOINT SELECT COMMITTEE ON SOCIAL MEDIA AND
AUSTRALIAN SOCIETY

Joint Select Committee on Social Media and Australian Society

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BY AUTHORITY OF THE SENATE

JOINT SELECT COMMITTEE ON SOCIAL MEDIA AND AUSTRALIAN SOCIETY

Monday, 30 September 2024

Members in attendance: Senator Hanson-Young and Ms Claydon, Ms Daniel [by video link], Ms McKenzie, Ms Templeman and Mr Wallace [by video link]

Terms of Reference for the Inquiry:

To inquire into and report on the influence and impacts of social media on Australian society, with particular reference to:

- (a) the use of age verification to protect Australian children from social media;
- (b) the decision of Meta to abandon deals under the News Media Bargaining Code;
- (c) the important role of Australian journalism, news and public interest media in countering mis and disinformation on digital platforms;
- (d) the algorithms, recommender systems and corporate decision making of digital platforms in influencing what Australians see, and the impacts of this on mental health;
- (e) other issues in relation to harmful or illegal content disseminated over social media, including scams, age-restricted content, child sexual abuse and violent extremist material; and
- (f) any related matters.

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BERNEY, Ms Katherine, Executive Director, National Women's Safety Alliance**Committee met at 09:02**

CHAIR (Ms Claydon): I declare open this hearing of the Joint Select Committee on Social Media and Australian Society. I begin by acknowledging the traditional custodians of the lands on which we meet, and, for those of us in Canberra, that's the Ngunnawal and Ngambri peoples, and I pay my respects to their elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples who are here today or are tuning in, as the case may be.

These are public proceedings, being audio- and videostreamed live via the parliament's website, and a *Hansard* transcript is being made. I remind all witness that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the parliament as a contempt. It is also a contempt to give false or misleading evidence.

Witnesses also have the right to request to be heard in camera. If a witness objects to answering a question, they should state the ground upon which the objection is made, and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera.

I remind all committee members that as we continue our work implementing the *Set the standard* report, as chair I will ensure that proceedings are conducted in an orderly, respectful and courteous manner.

I will now, after that long note of introduction, welcome the representative from the National Women's Safety Alliance. I understand that information on parliamentary privilege and the protection of witnesses giving evidence to a joint committee has been provided to you. Is that correct?

Ms Berney: Yes.

CHAIR: I know you have given us a copy of a short opening statement. You can read that into the *Hansard*, or we can table it and to move straight to questions. Did you wish to make any introductory remarks?

Ms Berney: Yes, I can make this introductory remark.

CHAIR: I invite you to do so.

Ms Berney: Thank you for the opportunity to be here today. I also would like to begin by acknowledging the traditional owners and custodians of the land on which we gather, the Ngunnawal and Ngambri people, and I pay my respects to their elders past and present and future as well as acknowledging any Aboriginal and Torres Strait Islander people who may be online or in the room with us today.

The National Women's Safety Alliance brings together over 750 individual and organisational members to provide policy guidance, lived experience and frontline expertise to inform national policy and reform on women's safety. As our digital world expands so do the challenges for women and underrepresented priority population groups, especially in the realm of technology facilitated abuse. The same platforms that provide connection and communication are often misused to perpetuate harassment, stalking and imaged based abuse; disseminate child sexual abuse material; and facilitate sexual violence. The rise of tech facilitated abuse is a growing concern, with perpetrators using digital tools to control, intimidate and harm. From the non-consensual sharing of intimate images to online stalking and abusive messaging, these acts not only violate an individual's privacy but also create an environment of fear, silencing them for participating in online discourse. It is crucial that we address these issues head-on, assuring victims have recourse and perpetrators are held accountable.

Age verification also plays a pivotal role in protecting younger Australians from exposure to harmful content and from being targeted by predators. Alongside our colleagues at the eSafety Commission, NWSA and our members have advocated for robust age-verification systems, which are essential to safeguarding minors from content that they are not developmentally ready for, such as pornography and violent material. We welcome the current efforts that are underway to advance age-assurance technologies and recognise their importance in protecting young users from exploitation and harm.

As we continue to advocate for measures and reforms to address tech facilitated abuse and enabled sexual violence, we must also focus on educating the public, particularly priority populations, on online safety and resilience. Equally, we must demand that tech companies enforce their policies and comply with our legal standards that prioritise user safety, ensuring that the digital environment does not perpetuate harm.

Bullying on social media presents a significant threat to women's and children's safety, contributing to emotional harms, psychological distress and, in extreme cases, physical danger. Social platforms were originally designed for connection and expression, but they are frequently weaponised to harass and intimidate women and

children. Online bullying can take many forms, including cyberstalking, hate speech, doxxing and coordinated harassment campaigns. Women, particularly those who are in public-facing roles or advocacy positions, are disproportionately targeted by these forms of abuse. The anonymity and reach provided by social media allows perpetrators to evade accountability while amplifying their impact. For many women the trauma of online abuse extends offline, leading to real-world consequences, such as stalking and harm. Addressing these issues requires stronger enforcement of the platform policies, legal protections and support for victims, to ensure safer online spaces for all women. The landmark study from Professor Michael Salter, Director of Childlight at University of New South Wales, focused on the online sexual offending and Australian men who engaged in such activities. This survey showed that 7.5 per cent of men reported online sexual offending against children, with offenders frequently using youth orientated platforms like YouTube, Instagram, Snapchat and Facebook Messenger. The study gives a clear critique of social media companies for failing to protect children and not implementing adequate age verification measures.

It is clear that children can easily game social media protection measures, despite age restriction, and this has led to an increase in online sexual exploitation. The alliance supports age verification and improved regulation of platform algorithms. This is needed so as to mitigate risks to children and other underrepresented cohorts. Thank you for the opportunity to discuss these issues, and I look forward to your questions.

CHAIR: Thank you very much, Ms Berney. We appreciate your evidence this morning. I'll start the proceedings, and then I'll pass to my colleagues. We'll try and ensure there's a fair and equitable distribution of question time. I might make one to begin with, and I'll come back if I've got more time. You've outlined some of the very significant harms that are experienced by women online. We might draw on that a bit later, but the committee has also had evidence about the impacts of algorithms and recommender systems. We know that these are prompting misogynistic content that can fuel a very toxic masculinity in some young people. Are there any kinds of content or platforms that you see as particularly harmful? That's one part of the question. In your view, are platforms doing enough to prevent this kind of content being put in front of young people? The third component of this question, if you can keep this in order, is: what kind of changes should the platforms be making to their algorithms to prevent this kind of content from being promoted, and how can we know that they've done so? There are a few questions in there.

Ms Berney: I think we need to be clear about that there is an absolute tsunami of misogynistic content that is available across all platforms. I would suggest, in our member feedback, that TikTok is the most readily available video content for people to engage with. I also really want to say that when people are engaging with this content, we need to be aware that it is meeting a need. It is meeting an emotional need that people have. When we think about perpetration of violence against women—I've heard from a number of victims-survivors over my career who have all said the same thing—physical violence doesn't start on the first date. So when we think about this content and how people are viewing it, we need to remember that it doesn't start off by saying, "Kill women. Men are better than women," or the views that have been popularised by people like Andrew Tate, but there are a million Andrew Tates. If you talk to The Man Cave, Andrew Tate isn't even cool anymore with children. There are other people who they're watching.

The ease of dissemination comes from people just information gathering. I think we're seeing a trend, particularly with gen Z, that TikTok and Instagram are where they're going to get their information. That's where they're going to educate themselves. They can be going to educate themselves on going to the gym and workout routines, but then the content creators are slipping in that negative messaging along with positive messaging about getting rejected by someone or what they need to do for their fitness and nutrition—messages that we actually want to encourage and we do need to have—but, in the middle of it, they're saying, 'By the way, you can never date a woman more than a third of your weight because when you pick her up, you need to know that you can kill her.' Those are videos that our members have said their sons are watching and are freely available. That content is buried within a context of: 'You need to get sleep. You shouldn't be gaming all night. Rely on your boys. Talk to your boys. But here's how you should feel about women.'

The next question is: are the companies doing enough to monitor that? Absolutely not. Of course they're not. It's in their interests to have this material and to gain clicks. Content creators also know that, the more outrageous they are, the more views they're going to get and the more clicks they're going to get. Therefore, their engagement will be sky high, which makes them attractive to the platforms for what the platforms' messages are. I read through a lot of the submissions, particularly from Meta, obviously a huge owner of these products that we're discussing. It's great they're saying they providing connection and community. They do do all of those things, but there is a really dark side of it that simply isn't monitored. They say it is, but it's not. How can we have studies from Professor Michael Salter saying there's been a huge increase in the dissemination of child sexual

abuse material through WhatsApp and through end-to-end encrypted Facebook Messenger. We know that's happening, because perpetrators have told us that's what they're doing, and yet we get pushback and rejection, saying we're being puritanical and there's government overreach when we say we want that regulated. We would like them to step up and use the technology that exists to identify that material and stop it from happening.

CHAIR: Thank you enormously for that. I've got lots of follow up, but, I do not wish to not leave enough time for everyone else. Deputy Chair?

Senator HANSON-YOUNG: Thank you so much for being here. I can't imagine what it must take to digest a lot of this horrible stuff. I think it's very easy, as you say, for platforms to hide behind individual content creators or the idea that it's just a user thing, not part of their business model. But you're right; it is. That's what all the other experts are telling us. I'm interested in what you think is the best way for us to deal with this. There's one view that we should stop young people from being on social media full stop. There are others who say it should be up to parents to monitor all of this. Then there is a view around making sure the regulations are in relation to the tech companies themselves and therefore go to their business model. Can we unpack that a little bit? Age verification for over-18 sites, like going into a bar or going into a sex shop—if you are a minor then obviously those types of spaces are not applicable or appropriate. But, beyond that minor-versus-adult threshold, what is your view on age verification and the ban on social media for young people?

Ms Berney: I think we need to have a multipronged approach. I think blanket bans—I don't know about anyone else here, but I was the kind of kid who, if I was told I couldn't do it, would find a way to do it. I think it puts a lot of pressure on parents, and we're setting up the idea that we're constantly going to monitor our children's phones and normalising that behaviour. For me, that's also problematic. I think what we need to do is look at the regulations of the tech companies, because they do have an obligation not to allow this kind of damaging content even to reach a platform. I know they've made changes since, but how is it that murders were able to be live-streamed on Instagram or on Facebook? We've seen it both times. I appreciate that there was a lot of responsive work that happened through those companies to ensure that that couldn't happen again, but it did happen and it relied on users to stop that content from going places. They flooded Instagram with pictures of cats using the same hashtags as the live stream of the murder, and it tricked the algorithm. They posted thousands upon thousands of pictures of cats. So, when people searched the hashtag for this, they saw pictures of cats and not the woman being decapitated.

The reality is that kids are going to want to go on social media. They are. It's part of our world. Now, when I talk about young people, I'm talking about 13- and 14-year-olds. It's a way that they communicate. Yes, there is a lot of damage that can happen through that, but surely we need to have that multipronged approach that says: 'Alright, 10-year-olds don't need to be on social media. They're not going to be able to manage that content. They're not going to be able to manage themselves or their timings'—and that's a collaborative effort between parents. But we should be arming our young people to be able to discern what's real, what's not real, what's educative and what's not.

I think blanket bans are tough because you're not putting the onus on the tech companies to not allow that content, which they shouldn't. It's not freedom of expression. Violent content that incites hate and vitriol towards women and other children is unacceptable. We've said that in other pieces of legislation, so why is it then that this can have carte blanche in a digital space?

Senator HANSON-YOUNG: Thank you. In relation to the algorithm, in some other places around the world, they say that minors are protected from the use of algorithms, in the sense that they can't have suggestive content fed to them. It's what they look for and it's the people they actually follow. Things are not pushed into their feeds. Of course, they're also protected from their data being harvested and then sold off, so you don't have those two insidious things—having content pushed to them, which they engage with, and then the advertising off the back of that, which feeds this vicious cycle. Are they the types of checks and regulations that you think Australia should be looking at?

Ms Berney: Absolutely. I think that we shouldn't be allowing marketing tools to target young people who may not be able to go, 'I'm being marketed to.' Certainly, my 15-year-old stepson, who comes from my household, so there are lots of discussions about this kind of content in our house, was fed stream after stream of misogynist content. It made him uncomfortable, so he came and spoke to me, but not everyone has that relationship where someone can help unpack what's happening or help unpack what they're hearing. So, I think, yes, then it is up to us to ensure that people aren't targets of for-profits, for want of a better word, when they're not able to vote, buy alcohol or those sorts of things. We can't have for-profits then deciding to turn them into a consumer through a social media platform.

Senator HANSON-YOUNG: One of the concerns that has been raised in this committee and in the public debate about what we do in this space, particularly in relation to women, is that if we only focus on rulings and regulations around younger people what happens for those women at 17, 18 and beyond? Social media has to be a safe place for everyone—

Ms Berney: Absolutely.

Senator HANSON-YOUNG: and if we're only removing young people from what is an unsafe space that doesn't actually fix the problem, does it?

Ms Berney: No, and that, I think, is where the content regulation has to come in. I've read—and I'm sure the committee has as well—a number of studies on how women who are public figures are attacked. I'm sure, unfortunately, that the women on this committee have been victims of this through social media. There have been so many studies that say women in sports, women in public-facing roles and women advocates are getting attacked. What's happening to change that? We know it's happening, but what is actually happening within the tech companies to put layers of protection in there, because social media should be safe for everyone?

Further to your question about young people, young women, 17 and 18, going forward, how are we arming people in what I would call a 'development period' between 14 and 18, where people are learning how social media works? How are we protecting them and building their resilience to stay safe online? There aren't a lot of things that are available because it is still burgeoning as a tech, but we should be doing more. I think there are countries like the UK and some Nordic countries where they do these social media self-defence courses that are teaching people those skills for resilience and to unpack the behaviours they're being exposed to.

Senator HANSON-YOUNG: Thank you. I might have some follow-ups but happy to share.

CHAIR: Appreciate that. Ms McKenzie, did you have any questions?

Ms McKENZIE: I wanted to ask for some further detail. In the penultimate paragraph in your opening statement, you ask us to look at 'improved regulation of platform algorithms'. What do you have in mind? What seems to be the black box that's very hard to get a grip on? What are you thinking?

Ms Berney: I think that we need to look at what's happening in AI with tone sensing as well at the moment. I think that's really important. So when we get inflexion of tone from either captions or content, when we have key words—these are things that happen, but they're not really regulated. When you look at what gets hidden as not meeting community standards, it's often confusing to people what meets a community standard and what doesn't, because you can report one piece of content and it breaches community standards, and you can report the same thing with the same words and same hashtags but that won't breach community standards. It's really unclear. I think we need it to be made exceptionally clear to people what is acceptable and what is not.

But there's a lot of work happening in the AI space when we look at suicide prevention, for example. When someone calls, AI is actually now being trained to be able to check if someone is going to escalate to self-harm or if they're going to be okay with the pathway-to-life call.

So I think we need to look at what's happening in other tech sectors as well to ensure that we're actually best practice. But then we do need an agreement and an alignment between the different apps and different functions as to what is a community standard. Now, do we need a national set of guidelines for that in order to regulate those algorithms more? Most likely, yes.

Ms McKENZIE: Thank you.

CHAIR: Ms Templeman.

Ms TEMPLEMAN: Thank you for really reminding us about the harms that women in particular are facing online and the need for the tech companies to be taking further steps. I want to pick up something in your opening statement around the education side—not taking away from the fact that there need to be a whole lot of things that happen, but I want to ask a little bit more about that. You talk about educating the public, particularly priority populations, on online safety and resilience. Back in 2022, I worked with the eSafety Commissioner to pilot a program for my women in small business who were feeling particularly vulnerable and out of their depth in how to deal with this—what could they do and what couldn't they do. This is going back a couple of years, and the eSafety commission from that point on has done a lot more work in this area. But that was a population in my own community that I identified as being particularly vulnerable and without easy access to skills. I'm interested in the sorts of things—what more you would like to see or have thought about in your organisational role in terms of equipping women for online safety, and what ideas you might have around that.

Ms Berney: We've talked a lot at National Women's Safety Alliance—particularly in educating people about what we do—about what the best mechanism is for that. A lot of our members, as I said earlier, are information

gathering from TikTok. So are we providing that alternative that's accessible in a place where people are? It's about using the language that people are using, in a medium they're comfortable with, that is not so formalised, potentially, as education programs that exist online. I've done the eSafety commission training, and I thought it was excellent, but I know the eSafety commission exists and I'm not really the target audience because I'm going to do that education and find it informative and useful.

I think we need to start to pivot our thinking about how people are engaging, and we're seeing that through politicians and how they're communicating with their audiences. We're seeing that there are short-shot educational videos on TikTok. We're seeing reels that give you 90 seconds of information, because we know that's what people feel comfortable with. They'll go back to it if they want to. They'll save it. They'll favourite it. Certainly, what we have found is that, when we want to educate on a policy topic that we've been working on—for example, violence against women, tech facilitated abuse or dating app safety, which has been a big one for us—we've found that 90-second-shot learning is really effective and is what our audience wants.

When we talk about broader population education, I think that we need to include these models of delivery, simply because it's where people are. When we look at some of our larger organisations that are doing population work in education, an Instagram account with 9,000 followers does not compete with a men's rights activist's podcast that has 30 million views on TikTok. The question then becomes: what are we doing to meet that, or even attempt to meet that and be in the same arena? Saying we can't do that is not good enough. People are relying on us to be better and to be in those spaces and to meet people where they are.

Ms TEMPLEMAN: Just over the weekend, I actually watched TV with my husband, and we saw the ads that the Australian government is running that alert parents to have the tools to look at what their kids are looking at online. They are part of that new antisogyny campaign but are really equipping parents. So we're certainly working on that side. I can see there's work being done on that side. In terms of finding examples that platforms can use to promote healthy and positive masculinity, have you seen any examples of that really positive side that you could share with us?

Ms Berney: Sure. When you're looking at content like that, through either Instagram or TikTok, which, let's be honest, are the most used—Snapchat is sort of but not as popular—you're looking at great campaigns like the Polished Man, you're looking at great campaigns like Your Reference Ain't Relevant by Harrison James. Harrison is a survivor of child sexual abuse, and he has built his campaign through social media. He doesn't just talk about his campaign for policy change. What he talks about is what he's doing with his friends—where they're going; that disrespecting women is not okay and is lame.

We look at musicians like Keli Holiday—Adam Hyde—from Peking Duk. He got on Instagram reels and said, 'Fellas, this isn't good enough. This is our problem. We need to be better. We need to sort it out. As men we need to be better.' What we need to be doing is looking at those videos of people from two very different spheres. We've got a victim-survivor running a policy change campaign. We've got a musician from Peking Duk, which is a band that's associated with partying, good times and good music. But people respond to their message and the language they're using in their messaging, and I think that's the key. We're not just going to get engagement from saying a policy position that's quite staid and static. What we're going to get is that messaging encompassing a lifestyle that people can relate to, touch and aspire to.

CHAIR: Thank you very much. I want to pass to Ms Daniel, who's joining us via videoconference.

Ms DANIEL: I want some clarification. I'm a bit confused about what your position is, because obviously your opening statement says that you're in favour of age verification, yet you acknowledge how difficult that is to implement. Are you saying, 'Let's have it anyway,' or are you saying, 'We might as well have that, along with other things'? Can you just drill down into what your actual ask is?

Ms Berney: That was specifically in relation to Senator Hanson-Young's question on not including adult content in that discussion. A permanent blanket ban is going to be challenging, but we see efficacy in age verification on pornography from other jurisdictions who have implemented it, such as the UK and the US. We are absolutely in favour of age verification mechanisms for adult and pornographic content—100 per cent—but, for a blanket ban, we need more discussion and more consultation about what mechanism is going to be used for that and how it will work.

People can game the system, which is why we need the other part of tech regulation in it. So, yes, there's no question: we are absolutely in favour of age verification, especially with adult content. However, I do acknowledge that blanket bans are going to be tough to implement, and it will require further discussion and more consultation, particularly with sector experts, to ensure that that gaming is not as easy. At the moment, the tech platforms say you need to be 13 years old. Well, I know a number of children who are eight and 10 years old

whose parents have set them up social media accounts. There's no consequence for that. There's no difficulty for that. We know that that happens anyway, so what happens if we have a legislative ban? What is the mechanism to make them accountable if a parent decides: 'I'm not going to be told what to do for my child. If they want to be on social media, I'll set them up an account'? At the moment, there's nothing that addresses that, and we know it's happening.

The problem with the child sexual abuse material dissemination—I think they're referred to as people who are promoting their kids as kidfluencers. We're seeing that there's a real problem within the commentary with the hypersexualisation of, especially, young girls and boys through parents who are managing their accounts as kidfluencers. If the rules are that you have to be 13 to have an account, what's happening to monitor that currently? Nothing. So then, potentially, we need to have not only greater enforcement there but also tech regulation so that that can't happen.

Ms DANIEL: Just continuing with this theme of young people on social media platforms, what do you make of the argument around the benefit of being on the platforms? A lot of the mental health organisations in particular have come out saying that there are communities for young people on these platforms and also that they learn how to handle themselves on the platforms by being on them.

Ms Berney: Definitely. I agree with that. That's why I think a blanket ban requires far more discussion and consultation—there are people who can find their tribe. Social media is not just a cesspit of evil. I think social media is a really useful tool for people, but it does run pretty unchecked. The problem is that young people who might find their community and might have their, for example, ontological needs met by being in a men's rights activist group—what are we doing to understand and meet that need in a healthier and more positive way? That's the challenge. We can't shame people for their need for community. We can't shame people for their need to feel connected, and that's young people as well. But what we can do is provide a better framework and a safer framework for them to find that community and have their emotional needs met.

Ms DANIEL: Going to misogynistic content, I absolutely accept everything that you've said about that and the problems that it presents, but, of course, as soon as we delve into this conversation, we get to the civil liberties argument around restricting people's behaviours. What are your views about how to contend with that, particularly at the extreme end of some of that misogynistic behaviour, and how to regulate or empower the platforms to manage that when you're up against this positioning of some people who would say, 'Don't prevent me from doing what I want to do and saying what I want to say'?

Ms Berney: I think there's a question of public interest as well. Is it in the public interest for people to be told how to harm their partner without leaving bruises? Is that something that we would find acceptable if it was in printed material? I think that's what we need to start to shape our thinking to as well. Yes, I appreciate the idea of freedom of speech in Australia—obviously, everyone in the room understands that's not a concept that we have—but the idea that you can say whatever you want without consequence is ridiculous. And it works for both sides. We've seen the weaponisation of social media against organisations that work in safety prevention for women, because they don't share the political beliefs of some of their staff members. We see that happening at the moment.

What we need is a shift in thinking to say that all of this kind of negative behaviour is bad. It doesn't matter if you align with someone's beliefs; doxxing is doxxing. It can't be accountability if—you dislike the people it's happening to, but it's doxxing and a crime if it happens to you. I think there is that disconnect happening at the moment and that lack of understanding that, sure, I suppose you can say whatever you want, but it doesn't come without consequence. The problem is: what is the consequence? It's unclear at the moment. We're not deplatforming people who have really harmful view.

That is a real video that I talked about earlier; it's had 30 million views on TikTok. It's a male podcast talking about healthy relationships and how you should healthily communicate with your partner. At the end, he says, 'Let's talk about physicality in a relationship.' He literally says: 'You cannot date someone who weighs more than one-third of your weight because, when you pick her up, she needs to know that you could kill her, that you could throw her against a wall and kill her. She needs to know that, and she needs to know that you are choosing not to kill her.' What is the consequence of that currently? That has had 30 million views. This is the problem. So, I think—yes—people can have their opinion, but they don't have a right to disseminate that opinion everywhere and they don't have a right to have that opinion without consequence. At the moment, there is no consequence.

Ms DANIEL: I note what you have said about the UK and EU approaches about systems. Are we talking about content removal capability for that kind of content, in your view, or are we talking about systems change platform accountability along the lines of what's embedded in the government's misinformation and

disinformation bill, where the platforms have to be transparent around their approaches to things like risk management, risk mitigation, protection of communities doing no harm and such?

Ms Berney: Absolutely. I don't think one thing will solve the problem. There need to be a number of initiatives that will work in collaboration, simply because we should be able to remove content because we know now, from current content filters and current monitoring of that content, that things slip through all the time. As I mentioned, we've seen murders live streamed on these platforms. That's not supposed to happen. It's happened quite a few times. So, I think we not only need to look at the regulatory piece; we also need to have that content removal piece there while it all settles. It's not going to be a silver-bullet solution.

Ms DANIEL: Thanks, Ms Berney.

CHAIR: I'm going to follow up with some other questions I didn't get to before. Then, if there's time, I'll pass across to anybody else. I might just pick up where we left off with Ms Daniels there and ask: are you familiar at all with the proposal that is in some overseas jurisdictions around a duty-of-care model, where there's effectively a legislative duty of care that places some strict obligations on digital platforms to ensure the safety of their users?

Ms Berney: I have seen some of that.

CHAIR: Is that the sort of direction that you're suggesting the committee delve into more deeply? Do you have something else in mind?

Ms Berney: I think that we do need to think about that. But, again, we then need to answer the question: are social media platforms publishers? The argument has always been that they aren't publishers, so they aren't responsible for what's happening. I think there have only been four or five case studies that have said that social media platforms are responsible for the content that they disseminate, but they will fight that to say: 'We're not publishers. We provide a tech platform for connection.' I think we then, before we move into a duty-of-care model, need to understand whether we are going to view social media platforms as publishers and, therefore, responsible for what is disseminated on them. That's a bigger question that I know the tech companies won't like.

CHAIR: It might well be, which I think much of your evidence has demonstrated today, that there isn't one single answer or response. You're saying, as I read your opening statement, that on age verification, for example, a lot of your member organisations are saying, 'Yes, absolutely, we welcome efforts in this regard, but we need to focus on a whole lot of other matters at the same time.' I'm just checking that I haven't misrepresented you in any way there.

Ms Berney: No, that's absolutely correct.

CHAIR: In your evidence you spoke about the online abuse of women in public roles, and I wouldn't mind going back to that, please. I'm interested in what you've seen have been some of the consequences of that, and whether you're hearing if that is making women less likely to want to participate in not just formalised politics but the civic discussion, public-square debate—the very foundations of our democracy, basically. You might pick up on that. I did hear recently an interview with the eSafety Commissioner herself, talking about the level of abuse she has had and the intent of that abuse, what it's meant for her and her family and why she has resisted that, but I know she's in a unique position to do so. I'm interested in your thoughts there, please.

Ms Berney: I can give an example for me personally. I've received numbers of credible threats of sexual violence for the work that I do—often. We receive emails to the National Women's Safety Alliance asking why we don't understand that some women and children just bring upon themselves what happens to them; or that I believe all men are evil, and therefore they should really show me what they can do. Yes, that makes me quite nervous to do the job that I do.

Now, I'm driven to do the job that I do. I do it because I think it's critically important that we have this public discourse. But it does make me think twice about the safety of my daughter, who is absolutely nowhere to be found online. It makes me think about the family of my safety constantly, and the threats to them that I have witnessed happen.

I think, if you talk to any of our members, they have all had negative experiences where they've received credible threats of sexual violence. I have reported some of those comments saying that what I need is to be gang raped. They haven't been against community standards, so they're not removed. So then the onus is left on me to protect myself by blocking people, but those people are allowed to remain online to perpetuate that hate and those threats of sexual violence. It's disgusting. And I think, 'Why would someone choose that when they've been exposed to it?' It's scary.

Again, as I said to Ms Templeman, I know what the eSafety Commissioner is, I know what the legislation is and I know what my protections are. But I also have friends who have received credible threats of violence

through text messages. They went to the police. They are protected through legislation—use of a carriage service to threaten or menace. The police told them, 'It's just in texts. Nothing's happened. There's nothing we can do.' When you're someone facing those kinds of threats and you don't feel armed with the knowledge on how you can go back against it, what do you do? You will retreat. Nine times out of 10, women will retreat because these credible threats of violence that women are receiving are scary.

So I feel that we need to be aware of that and we need to be holding to account platforms who allow that behaviour to occur. In the case of X, previously Twitter, it's encouraged—it's absolutely encouraged—by the owner of that platform that people engage in that kind of discourse. So where do we go when people retreat?

Ginger Gorman, the author of *Troll Hunting*, had her name activated within several men's rights activist groups, and she's spoken a lot about this on the record. Her location and her children's school were published by groups in the United States and also in Asia. You can't control that when it happens. We need to put things in place to ensure that, when that happens, it's either ended quite quickly, with the content removal, or regulated so it can't—it has to be multipronged. People want linear solutions to really complex social problems, and, unfortunately, there isn't going to be a catch-all for this; it's going to need to be multilayered and collaborative across lots of different sectors.

CHAIR: I suspect there's not a single woman on this committee who hasn't experienced some of what you've been describing. There's a very gendered nature to that level of violence and the threats there.

You mentioned Ginger's work, and Carla Wilshire has just written a book around the undermining of feminist gains over the decades through some of the constructions of algorithms these days. I am interested in your own experiences with whatever efforts made to date in having content removed not being satisfactory. You mentioned a multipronged approach. Is there anything else you would want to see on the table that's not currently in the public realm of discussion about how we fundamentally do better at ensuring social media is a safe place for everyone at all times—for everyone, I agree, but there is a very special level of hate and violence being directed to women.

Ms Berney: That goes to how we look at community attitudes towards women. In a broader sense, people who want to disseminate these views are given a layer of protection and anonymity to share them. When we look at what we're trying to achieve within the National Plan to End Violence against Women and Children, that absolutely has to have a technical component in how we look at those community attitudes and how we work to change them. We can't have an ad on a bus shelter that says 'respect women' if someone is seeing 35 videos in a row on how awful and disgusting women are. It comes down to how we are combating that rhetoric and how we are then ensuring regulation of that rhetoric—that it can't be disseminated as broadly as it is. I don't think it's in the public interest to have those views shared or aired, but I understand they are very attractive to people who are feeling rejected, who don't have an outlet and who want to find community and connection—and they're finding it online. You just have to read the Reddit men's thread to know there are men who really want that connection and community, and they're finding it in places with unhealthy messaging. What do we do to meet that need, understand that need and provide an alternative? We're not really doing anything.

CHAIR: That goes to what Ms Templeman was talking about earlier: whether there are forums or examples where there have been some efforts towards positive masculinity, and how they heard or amplified it anyway.

If there are no further questions: thank you for your evidence today. It is a difficult subject matter at times. I appreciate you representing the views of a lot of people who have experienced some of the most vile aspects of social media. Thank you for bringing that to our attention today and for some of your suggestions.

Ms Berney: I am happy to send the committee a list of great men's campaigns, if that's helpful, on notice.

CHAIR: That would be terrific, if you can take that on notice. If there's something you forgot to mention, by all means send it through to us; we're happy to continue receiving evidence.

ANDERSON, Ms Lilia, Research and Policy Lead, Media, Entertainment and Arts Alliance [by video link]

DAVIES, Mr Paul, Campaigns Director, Media, Entertainment and Arts Alliance [by video link]

PERCY, Ms Karen, Media Federal President, Media, Entertainment and Arts Alliance [by video link]

VEISZADEH, Mrs Mariam, Chief Executive Officer, Media Diversity Australia

[09:55]

CHAIR: Good morning, everyone. Thank you so much for joining us today. I understand that information on parliamentary privilege and the protection of witnesses giving evidence to a Senate committee—or, in this case, a joint committee—has been provided to you. I just want to check that that has taken place. Great, thank you; I'm getting nods. I know you have very helpfully provided opening statements to the committee. If you choose to table those, we can go straight into questions. However, if you wish to make introductory remarks, I'll offer you that opportunity. Do you have any comments to make on the capacity in which you appear?

Ms Percy: I'm the elected federal media section president of the Media, Entertainment and Arts Alliance. I'm coming to you from Bunurong and Woiwurrung land.

CHAIR: Does anybody wish to make a few introductory remarks? I'm happy for you to do so if you can keep them brief so that we've got enough time for questions.

Mrs Veiszadeh: I'd like to make some introductory remarks.

CHAIR: Terrific. Let's lead with your good self then.

Mrs Veiszadeh: I'm representing Media Diversity Australia. We are a national not-for-profit working towards an Australian media landscape that looks and sounds more like Australia. We conduct research and seek to then operationalise the recommendations of our research. That means that we deliver programs around internships, fellowships and mentoring with a focus on supporting culturally diverse, First Nations and other journalists and media workers of diverse intersectional identities, supporting them with pathways into the industry and upwards into the industry. We also do capacity-building programs for marginalised communities. Our membership base included, when we launched it, 100 per cent of legacy media, so our members include the ABC, the SBS, the *Guardian*, the Daily Aus, AAP, the Private Media group, the Conversation group, Junkee Media and Are Media. We also had News Corp Australia and Paramount/Channel 10 until a little while ago. So, for the questions that I'll be seeking to answer, that's a little bit of the background as to what we do.

CHAIR: Thank you very much. Do the MEAA wish to make any opening remarks? Over to you, Ms Percy.

Ms Percy: I will read my statement, if you don't mind. The voices of working journalists are crucial to this discussion. As the elected media section president, I am really proud to be representing them today, and I do thank the committee for the invitation. I am a freelancer these days but I did spend 2½ decades with the ABC, and I've worked in Canada, Russia and South-East Asia.

It is a pretty brutal time for Australia's media right now. Almost 500 jobs have been cut in recent months. Many of those are journalist positions—more than 70 at Nine Publishing, 110 at Nine Entertainment, 30 at News Corp, 170 at Seven and 24 at CHOICE magazine—and we're continuing to see regional journalism contracting, with 47 redundancies announced at Australian Community Media. The news outlets are firmly pointing the finger at Meta for the cuts. Hundreds of millions of dollars has supposedly been paid out by Google and Meta to news organisations over the past couple of years, yet it's very clear that the industry is less sustainable than ever.

This is the ugly fallout from the highly flawed mandatory news bargaining code. Yes, there has been money for media companies, but there has been little accountability and little transparency. We have no idea how much money has been directed to newsrooms rather than boardrooms. These deals were done corporation to corporation, with little regard for the people doing the work—that is, the journalists—or the public, who have a right to access ethical public interest journalism.

The unchecked dominance of the digital giants means they are making ad revenue off the back of other people's content, with no responsibility to the public and the public interest, the good of society or democracy. Worse still, they manipulate audiences and they're increasingly bypassing news sites altogether through artificial intelligence scraping. Ms Anderson will be able to expand on this and can also speak to some of the international experiences that might assist the committee, and Mr Davies can answer questions about the broader concerns we have about artificial intelligence and social media.

Precious journalistic resources are increasingly being wasted on debunking the misinformation and disinformation that the platforms allow to proliferate as they degrade the presence of quality news. Because of broken business models, media organisations are scrambling to improve revenue and stay afloat, so they are

rewarded by producing clickbait, and there's pressure to rush to publish knowing that the first clicks are usually the most valuable clicks. Our members have been at the front line of these battles. Their work is at the whim of algorithms or the latest temper tantrum of the tech bosses. Editorial decisions are being skewed by what's trending on the platforms. The public interest is being set aside to appease what people are interested in. Google Trends is driving news decisions on what gets covered, a troubling development when we know how easily the system can be gamed by the digital giants and bad-faith actors. This undermines the public's right to know, undermines democracy and is a dire situation for journalists and journalism. What is needed to support ethical public interest journalism is independent, strong and stable direct funding delivered in consultation with journalists.

We're happy to answer your questions. I just want to say, in the interests of transparency, that Zoe Daniel and I have worked together and have a personal relationship. She was the foreign correspondent in Bangkok after me. I just want people to be sure they understand that relationship. Hi, Zoe. Nice to see you!

Ms TEMPLEMAN: While we're doing declarations, I'll say that I am a member of the MEAA and have been since the 1980s, as a former commercial radio broadcaster. It's good to get those things out—thanks, Karen.

CHAIR: I'll just do a sweep around the room in case there are any more declarations. No? Thank you. Thanks, all of you, for those opening remarks. I really appreciate them. I will try to divvy up the time for questions evenly amongst us, and my colleagues will let me know when they need the nod. I will start with a question and, hopefully, reserve some time for me to come back to, and then I'll hand to the deputy chair and move along. I will pick up, if you don't mind, on the section where your submission deals with some of the impacts of mis- and disinformation. I note that your submission recommends that the social media platforms be required to provide transparency, context and warning labels on content, including information on where and when content was made or posted. If you are able to expand on this recommendation a bit for the committee, that would be helpful. Also, should news content be subject to this arrangement or exempted because news content is already self-regulated? I'm interested in your view on that.

Ms Percy: I'll, firstly, address the issue of the platforms being very transparent and making sure that people understand where content is coming from and when it is—you see so much content out there on the social media platforms that is old, that is out of context and that is not anywhere near where it's said to be. The algorithms and the tech giants have to be able to detect that. There's data available for them to be able to understand that. One of the problems that our members face constantly is trying to debunk that. I think there's a saying that a lie gets around the world before the truth has had time to wake up, and that's part of the problem: the way this material gets on fire and goes around. We have real concerns about that, because it undermines truth, it undermines faith and integrity in the work that we're trying to do, and it makes it so much harder to debunk.

During the COVID pandemic our members were working day in, day out trying to get useful information to the people out there in a public health pandemic, a global pandemic, and there were significant issues with having to counter things that just weren't true—videos that were out of date.

You can verify all of this yourself. There are programs out there whereby I can get a video or I can get a photo and I can go through a process, but that's time-consuming for me, and the average user is not going to do that. There's clearly the technology where that can happen. You're starting to see on X, for example, where there are community notes that say, 'This is video from Syria; it's not Lebanon,' and, 'This is 2006; it's not 2024.' There is the ability to do that, but to put that onus on users rather than the platforms who have the technology and have the ability to know this, I think, is really important, so that's very transparent.

We have had our members complain or speak to me about the concerns they have about how inconsistent the guidelines are and about what content is appropriate and what content is not. They had no problem, as one member said to me, shutting down news sites entirely in 2021 but were not able to take down nasty videos. I think 'they're turning a blind eye' would be the best way of putting it, but I think there are some bad faith issues happening here as well. What was the second part of your question, sorry?

CHAIR: It was whether news content should be subject to the same kinds of arrangements around checking context, warning labels and all those sorts of things or whether you think that there'd be an exemption for news because there are already efforts around self-regulation there.

Ms Percy: I think a lot of the news organisations do. There are very often warnings, and I think there's a real—people can't always detect what is mainstream or legacy or regular media that is regulated and what is social media. There's a lot of feedback and pushback that journalists get for material that has not been posted by a media organisation. I think that's part of the issue as well. I think the literacy levels could probably be improved. But, certainly, most organisations do have some kind of, whether it's taste or—they have their own editorial guidelines. Can they be beefed up? Probably. I actually think they need to be more prominent. I think that's a big issue as

well: a lot of users don't understand the way they can send feedback. If you go onto some of the big news organisations' websites, you can't find where their editorial policies are; you can't find where their complaints process is. I think accountability, and transparency more generally, is really important. In terms of whether media organisations are subject to guidelines, I think they are. They're already publishers and broadcasters and have a whole lot of rules and regulations around them. In terms of specifics, I might take that question on notice, or Mr Davies or Ms Anderson might want to say something on that.

CHAIR: Otherwise I'm happy for the question to go on notice; that's fine. Because of timing, I want to hand across to the deputy chair. I'll come back with some questions later. Senator Hanson Young.

Senator HANSON-YOUNG: Thank you all for being here today. I've got some further questions for MEAA, but I might first go to Media Diversity Australia. You play an interesting role in all of this, both in making sure that there is a diversity of voices and that media organisations fulfil the need to speak to a diversity of audiences, and in ensuring that journalists who work within these organisations have access and opportunity. With the news media bargaining code and the fallout from Meta's threat to cut funding and not do any more deals, the government is considering its response. What's your organisation's main concern in relation to that issue, as it is at the moment?

Mrs Veiszadeh: Thank you for the question, Senator. A lot of the background has been well articulated so far by the MEAA. Our main concern is that diversity, in terms of personnel and talent, is the first thing to go when media companies are struggling financially, and we have seen that play out in the last year.

We know that when diversity of talent and personnel, not just diversity of ownership—the two are interrelated and impact one another. When diversity of personnel and diversity of voices start to leave the industry—and we have seen many departures from the industry, and I'm happy to elaborate on that—because they're the first to go, we believe that there is a connection with creating an environment where misinformation and disinformation flourish. When that lack of diversity exists within newsrooms and across media companies, we believe—and we'd love to see more research in this space—that it does actually enable misinformation and disinformation to flourish. Part of that is that the diversity of perspectives is simply not there. You don't know what you don't know. You don't necessarily have the ability to live fact-check news that's coming out in a 24-hour news cycle. That is our concern. We have seen significant departures, and we have also seen it purely in our membership base, in the fact that our members have changed since we launched it and in the fact that we're missing a few key players as part of our membership base at the moment. We believe that the financial implications of the fallout from the decision by Meta has meant that the issue of diversity, equity and inclusion, which is really broad, is taking a back seat. For some media organisations it was certainly not a top priority to begin with, but any concerted efforts have stalled or gone backwards.

We have been worried about cultural safety for journalists of all backgrounds in the past year. The media have been in the media spotlight, and they're not doing a particularly great job of reporting on themselves—or on each other, for that matter. We have heard of sexism and racism. We have heard of a host of other issues that our organisation finds itself at the forefront of. One is speaking to journalists on these issues specifically. We've had lots of journalists turning to us. We've found ourselves having to pivot a little bit. Since the departure from the industry of Stan Grant, who sits on our advisory board, we have found ourselves having to conduct listening circles. I've had one-on-one conversations with journalists—I've lost count of how many—who have conveyed sentiments to us about the challenges they're experiencing within newsrooms. Just to go back to what I said earlier, that is one of our key concerns.

We're also concerned that some of the smaller players in the sector—including the Daily Aus, who you'll hear from later today, and other members of MDA—have particularly struggled off the back of the announcements. When you start to lose those voices from the industry, or really reduce and mitigate their impact, it has broader consequences. We believe there is a correlation between diversity in terms of news ownership and diversity in terms of voices, and audiences are ultimately losing out.

Senator HANSON-YOUNG: I want to ask you about the ABC racism review in the context of what we just discussed, but I've got one follow-up to what you just said. You've kind of had to pivot over the last few years, given the contraction of funding in media companies and this growing awareness, from what I'm hearing, of the need for more diversity—what the real implications of that are and how individual journalists can get caught in the middle of all of that. Particularly when we talk about smaller media outfits and those that are, I guess, natively digitally based, have you turned your mind to how we define what a journalist is—

Mrs Veiszadeh: I think that's a really interesting question.

Senator HANSON-YOUNG: and what journalism is?

Mrs Veiszadeh: I think it's constantly evolving. I know there are many submissions that perhaps speak to this and are probably better placed to speak to it. But it is evolving. However, the regulations also need to evolve with it. Deep concerns have been expressed by many, including the MEAA and others that you'll hear from. I'm happy to provide further on that on notice.

Senator HANSON-YOUNG: Yes, if you could. I'm just interested, because Peter Grete has specifically flagged the idea of perhaps having a register for journalists. If you've got any reflections on that on notice, that would be helpful. In relation to the ABC racism review, was your organisation involved in that in any way?

Mrs Veiszadeh: Not in a formal capacity, but we're certainly familiar with the review. Many former and current ABC journalists have spoken to us on the condition of confidentiality, so we are certainly aware of some of the challenges that journalists are experiencing and that we hope will be detailed, fairly comprehensively, in the review that I understand is coming out shortly. When it comes to racism or other cultural issues, while the ABC is doing a review of this, we wish that this review was being conducted in other media organisations, because the ABC don't hold a monopoly on this issue. What we need to see, however, is not just time spent on conducting comprehensive reviews but a focus on, attention being paid to, and resourcing and funding being allocated to the implementation of these recommendations. There have been previous reviews and there have certainly been lots of recommendations, so how they are implemented is critical.

There are many both within the ABC at present and those who have departed that don't hold a lot of hope. One of the things that we're seeing is that how the ABC but also SBS as public broadcasters conduct themselves and how they respond to allegations around racism, sexism and cultural issues lays the framework for how other media organisations will respond. So there is a higher bar—

Senator HANSON-YOUNG: For the public broadcasters?

Mrs Veiszadeh: Absolutely. So what we would love to see is how this will be implemented, because, with the departures that we've seen from the industry, and from the journalists and media workers that we have spoken to, there are some who are leaving the industry entirely because they do not feel culturally safe. That is an absolute shame. When we conduct roundtable conversations with media companies—the most recent one we conducted was a few weeks ago at Channel 9—what we hear loud and clear from media companies is that they are worried about the pipeline of diverse talent. One of the things that we conveyed to media companies is that we, too, are worried about the pipeline. Our work is not just to get talent into the industry. We have a talent hub. That's how we support media companies predominantly. Our concern is not just getting talent in the door; we want to ensure that talent is flourishing, that the diversity of talent that we are sending into newsrooms feel culturally safe and that they don't want to leave the industry. But, unfortunately, we have had circumstances where people have come to us quite traumatised, expressing all sorts of concerns, and then departing the industry entirely.

I'll just make one other point. We are conducting a national survey as we speak that is trying to get a bit of a lay of the land. It's targeting journalists and asking them about their experiences, including cultural safety and issues around bullying, harassment, sexism, racism, silencing and a whole host of different things that people have anecdotally expressed to us. We're trying to build an evidence base by doing this survey. We hope the results will come out later this year.

Senator HANSON-YOUNG: There is obviously an intersect between the mainstream media and journalists that work in this space and the broader issue of how this gets amplified and further promoted online. When Stan Grant made his very strong comments about leaving the industry, he talked about the bullying and racism he copped online as a result of him simply doing his work as a journalist. I am interested as to how you see this. There's the need to make sure that mainstream media has funding to do the job it needs to—that is, reporting the news, having a source of truth and having well-respected journalists who are supported to do their jobs. There's almost a conflict of interest in the relationship, isn't there, between mainstream media needing to employ their journalists and have them out there doing their job and also them being engaged online, because that's how mainstream media these days get their stories further promoted?

Mrs Veiszadeh: Yes. Journalists are encouraged to have an online presence, particularly across commercial networks, from what we understand, because they need to get more clicks on their stories, particularly when they have a subscription model. You articulated really well what the challenges are. We put out a piece of research in 2023. Coincidentally, our research, called *Online safety of diverse journalists*, came out in the weeks after the situation unfolded with Stan Grant. Our research was basically speaking to Stan's experience almost dot by dot. This piece of research was in consultation and partnership with Griffith University and Macquarie University, but it was supported by the ABC and also Meta, Twitter—which is now called 'X'—Google and the eSafety Commissioner. The research spoke to the fact that journalists and media workers of diverse backgrounds faced amplified online abuse. I think the number was that around 85 per cent of those sampled had experienced personal

and professional abuse. It looked at how this could translate from the online world. The research made a host of recommendations. It talked about the fact there is this normalisation of online abuse and that it has mental health and emotional consequences. It also has the effect of silencing, self-censoring and making journalists feel isolated. We saw that as exhibit A with Stan Grant, but we have seen that with other journalists since. That piece of research speaks to some of the challenges but also makes a host of recommendations.

One of the things that we are trying to do—and I will end on this point—is shine a light on what those challenges are. We're a very small team and we're not well funded to do this, but, as I said, we are finding ourselves pivoting. We're trying to shine a light on what the challenges are and hold up a mirror to the media industry, which at the best of times doesn't necessarily like that mirror being held up to it. But we're also trying to provide solutions. One of those solutions is launching a race reporting handbook later this week. It's a guide written by journos for journos, with the intention of providing a toolkit for the media to better report on issues related to race, which we know are quite vexed. So that is about identifying the challenges but also trying to provide opportunities.

Senator HANSON-YOUNG: This is important for the evidence. You said that, of the members of your organisation, there were a couple who weren't mainstream media. Who are they?

Mrs Veiszadeh: They are News Corp and Network 10.

Senator HANSON-YOUNG: Thank you.

CHAIR: Ms McKenzie.

Ms McKENZIE: My question is for the MEAA. If you wouldn't mind, I'd like you to elaborate on your recommendation 9, that social media platforms be required to be more transparent about changes to their algorithms, including giving notice of changes, what the changes mean and why they are making these changes. I know there's been some attempt to do that in Europe under their various pieces of legislation, and you wouldn't yet say it's been a resounding success in terms of transparency. What do you have in mind that you think would work better here?

Ms Percy: Yes, one of the real issues is how time consuming, how resource sucking social media content is. It's not as simple as in the old days when you would put together your report or your television report and off you went. To satisfy the different organisations and platforms with whatever is hot this week takes a lot of resources. Those algorithms change very quickly, and it's hard to know what to do. One of the members I spoke to basically said it's hard to know what resources to devote to something when you've suddenly seen this massive drop-off in your Facebook numbers, for example, or in other media. So part of the problem is that you don't know. It's very sudden. You have this situation where the platforms have made news organisations dependent on the platforms. You have to go where the audience is, because they're not going to traditional platforms or traditional ways of getting it anymore. They have drawn us in and then done a bait-and-switch. You used to be able to promote your content at a low cost. It's much harder to find news content these days, though we know that people get their news that way. I think it's important to understand what the back end of these organisations is doing. Giving an idea of why the algorithm is changing, what is the reason for it, what the outcome will be and what changes will need to be—because it happens very suddenly and it's very hard to predict what's going on.

Ms McKENZIE: Where would you have them describe that and by what mechanisms?

Ms Percy: They should be doing it publicly on their websites: 'We're changing the algorithm for this reason because we're finding that people want this or want that.' One of the problems is we don't know anything about how they operate, what they're doing and why. It's mostly about money, but there's a whole lot of other stuff going on as well. I think it's important that they tell people what's going on, particularly for news organisations. There can be relationships that are set up, but, at the moment, the digital giants very much rule. They've got almost unfettered control and power, and we're all at their whims.

Ms McKENZIE: Therefore, what level of specificity would you have? They could quite easily say, 'We are changing our algorithms to reflect the reading habits of our participants,' which I think is what Meta actually said to us, did they not? Did they say, 'We've noticed a downturn in engagement on media sites'? The question is: did the downturn come before the algorithmic toggle was made? It is chicken-and-egg stuff. How do we have a level of specificity that makes that transparency meaningful as opposed to gobbledegook?

Ms Percy: I think that's really important. The digital giants don't have a particularly good reputation in any forum for being particularly upfront and clear about such things. I think, yes, you'd want to have the specifics of what this actually means in terms of how you are putting material out there—and giving notice that it's going to be changed as well. 'Next week or next month, we are going to do things so that there won't be an automatic roll,' or, 'If you haven't got this many clicks, you're not going to be put up here.' I don't know a lot of the specifics about

it, and it's something where we can certainly take it on notice and get some more information about the specifics, but one of the real frustrations for our members is that you just don't know and there's no way of knowing.

Ms McKENZIE: Thank you.

CHAIR: Thank you. Ms Templeman.

Ms TEMPLEMAN: Thank you all for being part of today. I want to go back to the news media bargaining code. In the MEAA submission—and you have also talked about this in your comments—you talked about the code needing to be amended to specify that the money from deals must be spent on public interest journalism. Why is that so important?

Ms Percy: Well, otherwise it goes to shareholders. It goes to executives. It doesn't go on journalists. The whole idea is that the funding of public interest journalism is no longer viable because the advertising that used to support it is now going to the digital giants. To take the money that you're saying you need to cover the cost of your content and then not to use it to cover the cost of your content is very alarming.

The law was fundamentally flawed from the outset, when there was no actual stipulation that it had to be used on public interest journalism. It was a major problem with the original legislation and the original idea. If the code is to continue then it has to be stipulated that it's used for the purpose for which it was set up, and it has to be very specifically done. I think there actually needs to be greater accountability and transparency. We don't actually have a real idea about where this money's being spent. Some organisations, like the ABC and the *Guardian*, have been very upfront about how they use the money. Other organisations have been less so. We also know that a lot of organisations who should be part of the equation have been kept out of it altogether. So I think that it's absolutely critical, otherwise it's money that's going for, perhaps, expense accounts and share dividends.

Ms TEMPLEMAN: I want to ask you about the organisations who are not included in the current deals under the news media bargaining code, like SBS and the Conversation. There are a whole range of other outlets. You have given some indication, but what are your thoughts on what those organisations having been excluded says about the efficacy of the code? What do you think it says about the equitable or inequitable distribution of value across news publishers?

Ms Percy: I think that it has entrenched the big players—that they are the big players and will stay the big players. But, in order to have a sustainable journalism ecosphere and industry in this country, we actually need all these small players. That's where the growth has been; that's where the diversity of voices is. It's where a lot of our freelancers and their diverse voices are as well. I would just like to congratulate and applaud Mariam and Media Diversity Australia for the great work that they're doing on diversity, and I would like to make a few comments on that at some stage. It's crucial that the smaller players are part of this, because there have been these green shoots in our industry at that smaller level, only for them to be shut out.

The bottom line is that we don't actually know, because there just has not been the transparency or accountability. Hundreds of millions of dollars has been sloshing around and we're absolutely no better off for it. There has to have been a better way to have put this process into place. I don't know whether Mr Davies wants to weigh in on that, in terms of the code.

Mr Davies: No, but thanks. I did notice a question earlier about alternative methods for ensuring journalism, and I'd be interested to talk about that later.

Ms TEMPLEMAN: Can I just ask, while we're digging into this particular part of it, about the power balance between media companies and big tech. I'm interested in your thoughts on what the code has done. Has it entrenched power imbalances between traditional and new media in Australia? How has that power balance or imbalance shifted?

Ms Percy: I don't think I have any particular expertise on that. It's not something that I've personally had a look at, and we've read through some of the other submissions. I think it has entrenched that the big players are the big players, and the smaller players haven't been getting a look in. But you only have to look at the job cuts that have come out over the past couple of months. They have been with the big players, most of whom have received money. So sure: there's been an imbalance, and those big players have received money. But it hasn't actually made them any more sustainable either, supposedly. Again, I feel some of them are hiding behind Meta's cuts—that they're some opportunistic cuts, but anyway.

Ms TEMPLEMAN: In the submission you talk about expanding the code to include Instagram, YouTube, TikTok, X, WhatsApp and other platforms as they emerge. As it stands, does the code provide enough certainty to media companies when it comes to the provision of a distribution platform and the provision of revenue?

Ms Percy: I don't think so. Lilia, would you?

Ms Anderson: I think I might have to ask for a little bit of clarification on your question. I think the reason why we put in the submission that it should be expanded is because those platforms use the carriage of news to attract viewership. So, if the idea is that they need to pay for that privilege, then it should be expanded to those platforms—TikTok, Instagram and so on—as well.

Ms TEMPLEMAN: Does that provide more certainty for media companies then?

Ms Anderson: It would provide more sources of potential income, so that's one thing. Yes.

Ms TEMPLEMAN: I have one more question on this topic, which is around Meta being designated. Can you talk through your thinking—this gets talked about—about why you hold this position, particularly given that designation is likely to result in Meta removing news from its platforms in Australia? We're just hearing, even in the last breath, that it's an important distribution tool for media companies. I'm interested in your thoughts on that.

Ms Percy: Lilia might pick up on that first, and then I can pick up as well.

Ms TEMPLEMAN: Thanks. Ms Anderson?

Ms Anderson: I'm having a little bit of trouble with my connection. Could you just repeat what you said there.

Ms TEMPLEMAN: It's just the issue of Meta being designated when it's likely that, when that happens, that will disappear as a source of distribution for media outlets.

Ms Anderson: Absolutely. That is a real concern for MEAA. We don't want to see news being removed from platforms. One option that we explored was to mandate the carriage of news on social media. I think that's important as well for the issue of mis- and disinformation. If we see journalism as an important counterbalance to mis- and disinformation, then we understand that it's really crucial that social media continues to carry news, even though it might come with a certain price to those social media companies.

Ms TEMPLEMAN: Is there any more detail on what the mandating might look like?

Ms Anderson: We would probably have to take that on notice to provide some further detail, but I think it would involve saying to Meta that they can't deprioritise news, and they can't alter their algorithm to do that as a standard, across-the-board sort of thing. As I said, we can take it on notice and think a little bit more about that detail, if you'd like. I understand that this is something that has been explored internationally a little bit, so I'm happy to provide some more detail on that on notice as well.

Ms TEMPLEMAN: You've talked about the online space and how safe or unsafe it can be. Thank you for the work that you're doing on that. I just wanted to see, in terms of algorithms and recommender systems, if you have any view, at this stage, on how the systems and processes fuel the harm for diversity online? Is there any insight that you have at this stage about that?

Mrs Veiszadeh: I can speak to the point broadly. I'd imagine this is an area where it'd be good to have more research. But certainly the research that I referenced earlier, called the Online Safety of Diverse Journalists, speaks to the fact that—and you can delve into the specific reasons for it—journalists and media workers of diverse backgrounds face amplified abuse, which is consistent with the general population of diverse backgrounds, who also face amplified abuse.

I'm happy to reference myself as a case study, someone who is not a journalist but who has engaged in public advocacy wearing a few different hats, predominantly in the racism space, and the abuse that I've personally faced. There was reference to Ginger Gorman's book earlier. I'm one of the case studies in that book. A fun fact: when you google 'trolling' on Wikipedia, I come up as a case study.

We spoke earlier about the amplified abuse that women in particular face simply for having an opinion. When you add to that layers of intersectionality, if you're from a culturally diverse background, if you're from a marginalised group, that actually amplifies the disadvantage and the abuse. If you take that in terms of the general public and the fact that people of diverse backgrounds, specifically women, face amplified abuse, that also plays out in the media space. So, for journalists of those identities, who are, in some scenarios, obligated to have a social media presence, that they face those abuses makes it a lot harder. Perhaps the algorithms are operating in such a way that abuse is more easily directed at those individuals, and the mechanisms simply don't exist to protect those individuals from that abuse.

What we've seen anecdotally but also play out in the research is that people then step off social media, and that has consequences for their work. They're simply not able to have the same levels of profile. What we try to do is career profile those journalists and media workers to help them have a safe profile, so to speak, to help them with their upward career trajectory into the industry, into the sector.

I'd love for there to be more research in this space but, most importantly, research that doesn't sit on a digital shelf and gather digital dust. Research needs to be actually implemented. Often the funding simply doesn't exist for the adequate implementation of research.

Ms TEMPLEMAN: Can you identify a platform that is emerging as being more problematic than others in social media?

Mrs Veiszadeh: The research that we did in 2023 shows that there are challenges across Meta's platforms but also X, in particular, which has obviously gotten significantly worse since having done that research. There is that evidence base, and there is some other evidence base, but that's all I can speak to at this point, unfortunately.

Ms DANIEL: I want to continue down this path of the designation conversation with the MEAA. I want to illuminate the point that there may well be some pretty serious consequences of the designation, the first one being the potential disappearance for all news content on Meta's social media platforms in Australia. You've spoken to the importance of these green shoots that have been appearing in the industry, particularly organisations like the Daily Aus and other online news platforms, that are entirely reliant on Meta. Can you talk us through the thinking that you've done around what the consequences of designation look like? It may well actually create further concentration in the industry because those large media companies that have been the sole beneficiaries of the news media bargaining code will end up being the only ones that remain standing if this committee recommends designation and the government goes down the pathway of designation.

Ms Percy: That is something we have definitely looked at. For example, a lot of our regional members' organisations rely very much on Facebook and other social media platforms to get their material out there. It has also been, over the years, a really very good way of connecting with your audience and all those kinds of things. But the legislation says, if you're not going to do these deals, you have to designate. If that's what the legislation says and if they are the only options at the moment, then that's our reasoning for that—don't you have to designate if they are basically going against legislation?

We would prefer to see sustainable independent funding for ethical public interest journalism. How we do that is a very big conversation that needs to be had. We know our members, particularly in the regions, are extremely concerned. They rely on people going to social media and clicking through, and that leads to subscriptions. If there's nobody doing that anymore then their jobs are definitely under threat.

You only have to look at Facebook already. It says only three per cent of its content is news, and I believe that in terms of sheer numbers. I was just getting rid of a whole lot of posts and suggestions to follow, like or join over the weekend, including giraffe lovers, for God's sake. There's so much garbage on these sites that is actually being deliberately put there to phase this out or to try and muddy the waters. So I think they are acting as publishers. They are acting as broadcasters. They're making money from the work of broadcasters and publishers. So I think that, if the law says that designation is the option, it has to be. But we are fully aware of and concerned about that as well, so we'd like to see a better, different way. What that would look like remains to be seen, but what's going on right now is not sustainable.

Ms DANIEL: I know that you in particular, Karen, have had experience working in Canada and that in many ways that's one of the most recent real-world examples of where this could go. Have you had any of the preview, or has MEAA taken any time to drill down into the net impact of the Canadian government's moves in this regard? How applicable do you think that is to the Australian situation?

Ms Percy: Ms Anderson's definitely been looking at that, so I'll get her to pick up on that, and then I can do some general observations about what I know friends and family and the like in Canada have been experiencing.

Ms Anderson: This case is definitely a concern, because the outcome was that Meta decided to block all content—though I would note that my understanding is that Google subsequently did reach an agreement to continue to comply, but as a general annual payment rather than through a specific deal, so there was some partial success from the model. But definitely the fact that Meta went ahead and removed news from its platforms following that legislation is a big concern for us. I think the concern is that potentially this experience did embolden Meta to become more resistant to efforts to make them pay for news, and so I would definitely highlight that as a key concern that that experience did show. I think that's why MEAA has been interested in the idea of mandating news, as well, on social media platforms.

Ms Percy: Yes, I think the 'must carry' is something that's very important. Just anecdotally from friends, family and the people that I know, you're seeing layoffs. In Canada they have concentration-of-ownership issues in the same way we do. There are real issues in terms of how sustainable the models are over there as well. This is a big issue. They're also on the border of a very big country that has a huge amount of media as well, so the circumstances are a little bit different. A lot of Canadians have VPNs and the like, so they can get around those

kinds of things—not that I think they're necessarily doing that. I'm not sure they're even particularly noticing it. But I think that it's something that we'd need to have a look at. It's relatively early too. It's a relatively short time that that's been going on, so I think we'd definitely want to look at that a bit more. But there doesn't seem to be any model. The California situation recently hasn't been satisfactory either. There's nobody that's been able to find a way to actually satisfy all the players in the media, and we keep looking at a less and less sustainable industry.

Ms DANIEL: Yes, 'must carry' is a really interesting concept—something that we've talked about a little bit on this committee with Meta and others. If there is anything further that you can provide on notice as a reference point for what that might actually look like or how to enforce it, I think that would be very useful.

Kind of related to that—and you've referenced it in your submission—is that Meta claim that people just aren't consuming news on their platforms, which is, as you would know, at odds with, for example, the University of Canberra's research. Can you shed any further light on the Australia-specific consumption? We did manage to extract from Meta, in our last hearing, that they're extrapolating US habits and numbers onto the Australian market and that they actually don't have specific numbers. Do you have any, or can you shed any anecdotal light on that?

Ms Percy: We don't have the specific numbers. We haven't done specific research on that, and I think the UC material is the most up to date and the rest of it. But we know, anecdotally, that news organisations focus a lot of their attention on the platforms, whether it's Google or TikTok or Facebook. Google Trends is increasingly becoming a tool that organisations use to go, 'What stories should we be looking at?' It's having an outsized influence—social media more generally—on the way news journalism is gathered, the way it's produced and the way it's platformed. But the best material, in terms of that, has come from UC and others.

We haven't done specific research on the audience, but we know that it's a big time-suck and a big focus for our members and the work that they have to do. I do think it's lies, damn lies and statistics. You can game the numbers any way you like. Very often, when I'm on Facebook, for example, there might be 12 or 14 posts of 'suggested'. They have supposedly got hundreds of thousands of followers—these posts and these accounts. It will be 12 or 14 before I get to anybody I even know. It's just full of stuff. So I think they're clearly gaming the system to make it look like there's not as much on there. And there is certainly not much news coming through that as well. I think it's hard for us to pin down, but, anecdotally, our members know that's a problem.

Ms Anderson: I could probably just add a little bit to that too, just drawing on a few of the statistics from our paper. That research that you mentioned showed that 32 per cent of Australians are continuing to use Facebook for news. So what does that mean? There is a large user base there—whatever Meta says—that is going to Facebook and looking for news. That is incredibly important—going to social media for news—for younger people as well, and it's their major source of news.

Also, Meta's use of news to train its AI can't go without a mention. If there's this theory that Meta does not find value in news and does not need to pay for it, this use of news content to train AI flies in the face of that a little bit, given how important and critical news has been shown to be for that process of training. The fact that that process, for the most part, is going without any compensation to those news providers and without the consent of news providers, or the journalists who wrote the content, is incredibly important. I just throw that in there as another way in which Meta is continuing to use news content and not being perhaps forthright about that.

Ms Percy: Can I just add that we're very concerned when it comes to artificial intelligence and the trajectory of the social media platforms. It's picking up on Media Diversity Australia's points about the lack of diverse voices and the entrenched biases that you're seeing in artificial intelligence when it comes to race, gender and other diversity. It's taking out a lot of those really important voices. We have been trying to get diversity audits and gender audits into EAs. We've been trying to get cultural safety and cultural considerations into EAs, with mixed success. There's some pushback from the media organisations about this, which we're concerned about as well. As Mariam was saying, we really need to have the diversity of voices to fully reflect our society, and the dominance of tech has undermined so much of that, and we're concerned about that as well.

Ms DANIEL: I'm curious, and this was going to be my next question, actually—

CHAIR: Last question, please, Ms Daniels.

Ms DANIEL: On AI and the scraping issue, given the innate issues in media currently when it comes to revenue, what might it look like in terms of royalties or some sort of AI scraping levy? Are you aware of anyone or any data that has modelled potential revenue return? If the government was to go down the track of mandating some sort of royalties system, how much difference would that make in terms of profitability et cetera? Is there any detail or shape of what that might look like?

Ms Anderson: I don't have figures for what that would look like in the Australian context. I would say that the compensation factor is really important. It must always be done with consent, and we want that to be not just the news providers but also journalists. So, yes, we want compensation with consent. I think it would potentially be quite a large source of revenue if it was explored. Again, it ties into the concerns that were raised in developing the news media bargaining code—that there is this real difference in power between news providers and the digital platforms.

What does that mean in the context of working out a deal for how much those training materials are worth? I think that concern would need to be explored further. Given that news is so critical for the development of AI, in terms of training—and that's been shown—this is potentially a big source of revenue, but only if news providers wanted to go down that route, because there are potential costs that could be associated with that as well.

Ms Percy: We don't have anything specific. I don't know how easy it would be for the news organisations to give us that kind of detail. But it's important that there's consent for the compensation, but also consultation. Our members are the ones whose work is being utilised in this fashion, and they need to be consulted about how that's going to be utilised, ensuring that it's ethical and that material is properly sourced.

One of the real issues with some of the programs and processes that are being tested at the moment is that I don't know where this information has come from. Is it verified? Is it from a decent source? Who are these people who are putting out this information? There are some real traps. I just fear that it's something we need to look at closely. MEAA is putting forward an AI act because we are very concerned about the theft of creative work through artificial intelligence.

There's a lot of work to do, in terms of ensuring that that can be done properly and ethically. It's just going ahead at such a dramatic rate, and we need to be able to stop it. Some of the tech companies are saying, 'If we can't get it for free, we don't have a sustainable business model.' Bingo! If you can't get it for free, you don't have a business model—you're basically stealing people's work. These are the things that really need to be taken into consideration as well.

CHAIR: In the remaining three minutes that we have, I will put a whole bunch of questions on notice that I didn't get to, and I encourage other committee members to do the same. Media Diversity Australia mentioned the racism handbook that you're about to launch. Prior to that, you gave us some evidence on a body of work around cultural safety for journalists that you have undertaken. If you're able to provide that to the committee, that would be gratefully received. There may be other questions that were put throughout for MEAA as well.

I will let you know now, so I don't forget, that you'll be asked to return your answers to those questions on notice to the secretariat by 14 October. Mr Davies, I'm conscious that you wanted to discuss something earlier and we cut you off. I'm ceding my last one minute to you, if you've got something to say.

Mr Davies: Thanks, Chair. I was really just picking up on the point that Senator Hanson-Young indicated she wanted to explore, referring to some ideas that had been reported from Mr Grete. I'm not sure that this is the best opportunity to put our position, but I will throw some principal responses your way. With due respect to Mr Grete and his associates, we think his proposal as recorded in the Nine newspapers last week is effectively redundant. We think he's going to issues that are secondary when he talks about the need for a robust implementation of a code of ethics. MEAA has a code of journalistic ethics which it has been promoting rigorously for 80 years, including through enterprise bargaining agreements with all the major outlets—many of whom have adopted that code of ethics in those agreements.

What we think really needs to be addressed is one of the topics of this committee—the failing business models, and the stresses that places on all media outlets. That's the issue that needs our attention. Any problem perceived with the practice of journalism is something that our members, as practising journalists, are best placed and, historically, well placed to implement and police.

They were the main points I wanted to make. Perhaps I've picked up the implied question from the senator, but we would be happy—

Senator HANSON-YOUNG: Not really.

Mr Davies: Not really?

Senator HANSON-YOUNG: You'll have to take it on notice. My question was going to be linked to the fact that a big part of the problem here, whatever solution, option or model this committee recommends or the government takes on collecting money from the big tech companies, is that how it is distributed—the distribution model—and who it is distributed to then instantly links to this question of what is a media organisation, and, therefore, what is public interest journalism. My question to MEAA is: if there is a levy or some type of collection system going forward, if there's a made-to-carry-news provision, if it goes into a bucket of money rather than

company-by-company deals, what should the distribution model be and what should the criteria for that distribution model be? That was the point of my question.

Mr Davies: We will take that on notice. Essentially it would go to journalism as an activity. We'll come back to you on that.

CHAIR: I'm sorry; we have exhausted time. There will be questions on notice coming your way. If you could have those responses back by 14 October, that would be very much appreciated. Thank you enormously for your evidence today. We appreciate your input.

KOSLOWSKI, Mr Sam, Co-Founder, The Daily Aus [by video link]

SEIDLER, Ms Zara, Co-Founder, The Daily Aus [by video link]

[11:03]

CHAIR: Welcome. I understand that information on parliamentary privilege and the protection of witnesses giving evidence to Senate and joint committees like ours has been provided to you; is that the case?

Ms Seidler: Correct.

CHAIR: Terrific; thank you. It's great to have both co-founders here. I know you have submitted your opening statement, which I really appreciate; thank you. I'm happy to invite you to make some introductory comments or we can go over that; I am conscious that we're always trying to get through lots of questions and we're always short for time. I will hand over to you to use these few minutes in whatever valuable way for yourselves, and then I'm going to call for questions from each of the committee members. Who would like to start?

Ms Seidler: I will begin. Thank you for the opportunity to appear before you today. The Daily Aus was founded in 2017. It was with a mission to empower young people to engage with the world around them. When Sam and I first began TDA, our primary focus was to deliver high-quality, fact-checked and independent journalism on social media platforms, particularly on Instagram. We built our company as a social-first news service back in 2017 because we knew that was where young people, which is our target audience, were consuming information. In the years since 2017, that has increased. According to the latest University of Canberra report, nearly two-thirds of gen Z now rely on social media as their main news source. That is reflected in the growth of our audience on Instagram, where we now have 565,000 followers and reach 1.4 million accounts each month. We are now the second-biggest news page in the country on the app, behind the ABC. Seventy per cent of our Instagram audience is under the age of 35 and 75 per cent of those are women.

While Instagram is where TDA's journey began, today we are a fully-fledged media company that includes a suite of newsletters, podcasts, a website and a soon-to-be-built app. In an incredibly short period of time, we have been able to meaningfully diversify our distribution channels, recognising both the risk of single-channel reliance and also the varied consumption habits of our audience. While our distribution channels have evolved since we first founded the company, our news-gathering and journalistic principles have remained steadfast. Today, TDA employs 15 full-time staff, 80 per cent of whom are editorial staff, including a full-time fact-checker, all based out of our Sydney office.

Our content focuses on hard news, things like federal politics, elections, the economy, health and everything else. We've conducted sit-down interviews with the Prime Minister, the opposition leader, members of both the cabinet and the shadow cabinet, and the majority of state and territory leaders. At the last election, we worked with the Electoral Commission to encourage young Australians to enrol to vote. We have had journalists in the last four budget lock-ups. All of this is to say that, while media companies across the world are grappling to attract younger audiences, we have emerged as a highly trusted, independent news player with a clear mission. When we surveyed our audience, 73 per cent said that TDA was their primary source of news. That is a big responsibility that we take very seriously. Given that we exist primarily on platforms that have facilitated the spread of misinformation and disinformation, we believe our presence in these spaces has never been more important to keep Australians safe and informed.

Due to the coupling of our editorial quality and our highly engaged audience, we have also found great commercial success working with diverse advertising partners. Some of our most successful commercial campaigns have been with the Department of Health and Aged Care, the eSafety Commissioner, the ACCC and Lifeline. To cement our financial sustainability, we have also recently launched a reader revenue program that is for our newsletter subscribers to begin to make recurring voluntary contributions. Today, nearly seven years after we started this company from our bedrooms as university students, we are making a real contribution to the Australian media landscape.

We are all here today because of Meta's decision to withdraw from its commercial agreements under the news media bargaining code. TDA did not secure any commercial deals with Google or Meta under the code. We should say, though, that we have received one-off grants from both of these organisations at different points over the past few years, but these have been for project-specific purposes. Therefore, Meta's decision to withdraw from the deals has not yet materially affected our business. Instead, it is possible flow-on effects, as demonstrated by the Canada example, that have greatly concerned us. If the government were to designate and Meta were to remove news from its platform in response, that would have severe consequences not just for our business but for democracy at large. That is why TDA does not support designating Meta under the code. We understand that the

committee has previously heard about these risks, so we will just state that we believe any solution or possible policy mechanism should seek to empower a diverse media ecosystem, as you have heard, not entrench existing power dynamics. We want to see other young media innovators in this country feel motivated to create solutions and start companies like we have. That's only possible if the playing field allows for it, and we believe that we are at an inflection point now.

CHAIR: Thank you. Does the other co-founder want to make any additional comments or are we good to go to questions?

Mr Koslowski: No. I'm looking forward to hearing everybody's questions and hopefully providing value to the committee.

CHAIR: I just need to correct the record. I did say that you had distributed your opening statement to us, and that is not in fact true. So, if my colleagues are all frantically looking for that, my apologies! But it's now on the *Hansard* record. Thank you for your submission, which people do, in fact, have. I know, in that submission, the TDA says that you are Australia's leading social-first news service, with an audience of over three million Australians and with a primary audience age of between 18 and 35. That's been a phenomenal success for you. Can you talk us through a little bit more about TDA, your views on how important social media platforms are for improving media diversity and reaching a youth audience in Australia, and how important it is that social media companies support and provide news?

Ms Seidler: I'm glad to be asked about this because it is our pride and joy and it's something that we care very deeply about. The Daily Aus started because Sam and I witnessed that our friends cared deeply about the news and the world around them but there was something stopping them from engaging with traditional news. It was our hypothesis, at that time, that was due to the fact that legacy media wasn't catering to the consumption habits of young people. We know now that young people primarily access their information on social media, and yet, at that point, social media was still a bit of an afterthought. So we created the Daily Aus with the sole purpose of bringing news to new audiences and to people who previously might have identified as not news people. We wanted to rectify that because we know how important it is for democracy and the world that young people, the next generation of voters, are properly equipped with the tools to navigate that.

We started, as I mentioned in the opening statement, as an Instagram-first page, recognising, again, that was primarily where people were at that time. Since then, we have evolved and grown fairly quickly. As I referred to in the opening statement, we now have a team of 15 full-time staff, all of whom work in our office each and every day to bring news to a young audience. We have, in recognising the fact that there are risks associated with primarily existing on social media, tried to diversify our platforms, and now newsletters are one of our fastest growing channels, which are bringing news directly, again, to an audience who might not have ever accessed news elsewhere.

Really, we believe that this is of the utmost importance. We know that mis- and disinformation are flourishing on so many platforms. We believe that, in that vacuum, having accurate and fact based information in the mix is more important than ever, and we will endeavour to do that each and every day.

CHAIR: I might just quickly go to the issue you've raised around a vacuum where mis- and disinformation might grow and prosper. If Meta was to remove credible news sources from its social media platforms, what or who do you think would fill that void?

Ms Seidler: That's a really good question. We believe that if we are to look at the example in Canada—and it is very helpful to have a precedent set months in advance for us to study and to use to, certainly, deduce what could happen. In that social media space, we have influencers and political commentators without the backing of a media company or editorial principles. We as the Daily Aus have published our editorial principles on our website. We have a complaints mechanism. We have all of the mechanisms in place to allow for the journalistic principles to be upheld, and we believe that, with what we have seen in Canada, misinformation has been able to flourish in the absence of those credible media organisations existing on those platforms.

That's not to say that the face of modern journalism cannot change. We believe that we are a part of the next wave of journalism that looks quite different from our predecessors, but we believe that we maintain the same principles that they do, which is to bring accurate information to audiences and, in our case, young audiences.

CHAIR: I'm really interested in the quality of information and how that impacts on the participation of young Australians in democracy.

Ms Seidler: We have been able to create spaces where young Australians have never felt welcome before. For example, before the last election, we were able to host in-person events, politics-in-the-pub events. While we have heard so often that young people are complacent or that they don't care about the world around them, we've been

able to directly undermine that notion and have had 300 to 400 people show up to these events. That's bringing them off the online space and into the real world, asking questions about how our politics and how our elections really work.

Also, we're partnering with the Electoral Commission to encourage people to enrol to vote. We are completely detached from any partisan leanings. We are here to create civics and media literacy, and we believe that is more important than ever with so many global elections.

Mr Koslowski: If I can jump in as well, looking at the research we know that amongst English-speaking countries generally Australia has the lowest rate of trust in media in the world, and, of the demographics, it is young people that trust it the least. Recognising that problem and trying to build a business in exactly that space, we needed to make the investment pretty early in the start-up's growth to hire a full-time fact checker that could sit outside of our editors and fully focus on making sure that every sentence that goes on social media via our big distribution channels is true. I think that's our recognition that there is a problem that exists in the arena that we are acting in, and we need to take extra steps, despite the fact that costs us money. We really need to ensure that people feel, if they read it in TDA, that it's true.

CHAIR: You obviously feel that investment has resulted in growth in your audience and that it's a worthwhile investment for ethical reasons but perhaps for business sense as well.

Ms Seidler: I think that the greatest metric we can measure that by is trust, and, as I referred to earlier, the level with which we are the primary news source for so many is a reflection of that trust. Absolutely that has been a worthy investment, and they are a really welcome member of our team.

CHAIR: I'd be very interested to know what you recommend to government in terms of addressing Meta's threat to stop paying for news in Australia and why you would recommend it.

Ms Seidler: We understand that there is work on foot with both the ACCC and the Treasury department, but our only recommendation goes back to those basic principles that we outlined earlier, which are that any solution must empower a diverse media market. We believe that traditionally and under existing legislation we have seen power dynamics entrenched. This is an opportunity to redress that and to allow for greater competition in this space. We also believe that any solution must highlight more than anything access to information for all Australians, acknowledging that the next generation does get their information in different spaces and that that is not illegitimate. Rather, it should form a really important part of any policy solution.

CHAIR: Terrific. I'll hand over to the deputy chair.

Senator HANSON-YOUNG: Thank you for being here. I think you offer a unique perspective, given you speak directly to young people about the news of the day via digital platforms and also the fact that you don't currently have any deal with Meta; you've been left out of the news media bargaining code. You said you've diversified your platforms as to how people receive the news that you produce each day. You said there's been a growth in newsletters. Did you see a trend emerging and jump on it, or is it something that you created to protect yourself from the opaque, insidious algorithms of the platforms?

Ms Seidler: It's interesting to trace back the origins of our very first newsletter, which we created the day that Meta removed news from its platform all of those years ago, and it was on that day, when Sam and I had quit our jobs and had launched ourselves full time into this, that we understood that any business built on one singular platform was a risky business and that we needed to meaningfully diversify from the get-go. That is where the newsletter began.

We have seen in other markets that there is an appetite among young audiences to consume newsletters. It's almost twofold in that sense, but today we have a quarter of a million newsletter subscribers who subscribe to our daily newsletter and our sport newsletter, and we have since launched a good newsletter, which is to try and highlight some of the good in the world alongside all the rest of the news that is there. So it has been an acknowledgement of the fact that we must diversify in a business sense but also knowing that audiences are reading, consuming and engaging with newsletters in other markets too.

Mr Koslowski: If I may quickly add, if we look globally, I think one of the key selling points for young emerging news publishers as to why somebody on social media should subscribe to a newsletter is this angle of algorithm premiums and having a direct relationship with a news publisher. Some of the biggest players, in the US and the UK specifically, kind of use that as their key message in paid ads, ironically often on Meta, as a way for audiences, who now recognise that the algorithm is there and is dictating what they see, to change their relationship with their news provider. It is harder to discover new audiences with a newsletter than it is on social media. So whilst we can maintain a really healthy and fantastic relationship with an audience that knows us already, a newsletter-centric business does pose a challenge to the 18-year-old of today, who might not know

TDA is there for them and often stumbles across it by accident and then develops a positive relationship with the news publisher.

Senator HANSON-YOUNG: So, in order to grow your audience and to continue to pick up the next generation, as you describe them, what you're effectively saying is that you still need to have a dynamic online presence?

Mr Koslowski: We need to meet them where they're at. So, whether it is a new app—that we haven't heard of yet and that we're going to be discussing in 12 months time—that the 18-year-old of the day is using, we need to be there, because we can't expect young people to actively seek out news. That's not the audience we're chasing.

Senator HANSON-YOUNG: Have there been any significant changes for your audience as a result of Meta changing people's default settings around political content?

Ms Seidler: We have seen the accounts-reached number, which is the metric that Meta provides us, shrink quite considerably in the time that we understand that that policy has been in place, but that has not dictated any of our decisions. We have continued to uphold our basic principles, but, at the same time, as we said earlier, we are building those other channels in recognition that it is harder to discover content that is political on Meta's platforms.

Senator HANSON-YOUNG: Of course, public interest journalism is public interest journalism. Whether it's talking about politics or issues of the day it still potentially gets caught up under that restriction and algorithm control of Meta's, yes?

Mr Koslowski: Definitely. It's really hard to know exactly the quantitative impact of something like this because we only get access to the data that Meta provides. But, as Zara said, we've seen that shrinking of audience reach and discoverability, and that's a global trend.

Senator HANSON-YOUNG: Does it strike you, as somebody whose business is directly impacted by that, as being a bit contradictory to hear the big media platforms say that they can't do certain things when they can change an entire area of discoverability for young people on a platform which is overwhelmingly young—Instagram—such that people have to actively opt in to political content? If they can do that, surely they can restrict harmful and abusive content as well?

Ms Seidler: I think it's a challenging time for many in the media market. We're just focused on diversifying and ensuring that new players can sustain themselves in this market, because it's traditionally been incredibly difficult. We want to be able to buck that trend and just continue.

Senator HANSON-YOUNG: You talk about the news media bargaining code in its current form not delivering for all news organisations, particularly yours, of course. Have you had any consultation with the federal government around this and whether your concerns have been addressed?

Ms Seidler: We have had a range of meetings with committee members and we have made our concerns known to the government and to the opposition of the day. Prior to Meta withdrawing from its commitments, we had not had any engagement with either Meta or the government of the day. Again, we were really just focused on building this thing and continuing to deliver news each and every day. That was our primary focus. Since then, we have certainly made our case known as much as we can.

Senator HANSON-YOUNG: In your list of recommendations, you talk about a number of things for us to consider and things that can be done, including targeted support and funding for independent news outlets, incentives for public-interest journalism and incentives for cross-platform collaboration. As it stands, are there any government programs or funding pipelines that you are beneficiary of?

Ms Seidler: No, there are none that we are beneficiary of.

Senator HANSON-YOUNG: A lot of people are talking about the potential of the government putting a levy or a tax on the platforms, collect the money centrally and then have it distributed. What would be your view of that type of model, and how would you ensure that it goes to public-interest journalism, particularly for an audience like yours?

Ms Seidler: Again, if there was the opportunity there to rethink the way that money is redistributed, we would want there to be an acknowledgement that there are diverse players with diverse audiences. We would want to see that reflected in any distribution. We wouldn't want to influence the work of anyone who is currently undergoing that. We would really just want to see the fact that the legacy media players represent some part of the industry but we and our colleagues in the Digital Publishers Alliance are part of a broader ecosystem and play a really meaningful role in the industry.

Senator HANSON-YOUNG: What do you mean by incentives for cross-platform collaboration? Could you unpack that a little bit for us?

Mr Koslowski: In trying to put as many creative and constructive recommendations as possible, one of the key ideas that's been thrown around in other markets and the Australian media that has not really had time to discuss is the idea that there could be room for collaboration with the platforms as almost unavoidable trading partners in order for them to work together. We've seen pilots of these programs; the Google News Initiative is one example of the constructive ways in which platforms can work with media. We wanted to acknowledge that it's important not to block out any notion of collaboration, as we've seen with other sectors in other mediums, in order to have a media future that's sustainable and not one-hit wonders.

Senator HANSON-YOUNG: I can't have you in front of us as the leading youth digital news platform without asking you about your views and your audience's views on banning young people from social media.

Ms Seidler: We polled our audience and we understand that there was overwhelming support for such a notion. We believe that, as I have said many times before, we need accurate information to be reaching all audiences, including young people, and, if young people are getting their news from social media, we believe that needs to be considered in any policy moving forward. We understand that that includes people under the age of 18 too, who should be accessing fact based information.

Senator HANSON-YOUNG: Thank you.

CHAIR: Ms Daniels.

Ms DANIEL: In reference to the survey on age verification and such, could we see the survey results on notice?

Ms Seidler: Absolutely.

Ms DANIEL: I go back to designation. I'm not sure how closely you've been monitoring the previous hearings on this, but the MEAA, the journalists union, said in our previous session that designation is the only option under the existing legislation. So, while there might be unintended consequences for organisations like yours, it's the only lever that can be pulled under the legislation that we have available to us. What's your response to that?

Ms Seidler: We believe there is an opportunity to look at other levers and at other markets, to examine what else can be done. I would hope that there are broadened views on this across the committee, because we believe that those unintended consequences are too great to risk, and we have already seen what happened in Canada when that lever was pulled. We strongly—strongly—believe that designation is not the only way forward and that other policy levers should be pulled and should be examined.

Ms DANIEL: Obviously, the Daily Aus has been mentioned several times in our hearings, and that's a testament to your success, so well done on that. But I'm just curious whether you, within the cohort of emerging media organisations, have been having discussions about those different options and whether there are similarities among like organisations in terms of attitudes to designation, the potential impact of designation and the kinds of solutions or alternatives that you're offering. Is there much conversation about this going on in the background?

Ms Seidler: Yes. We are part of the Digital Publishers Alliance, which, for us as a new player, has been a really excellent group to be a part of because it can be a lonely experience out there, building a company from scratch in this space. We understand that there are a diversity of views among the members, and that just reflects the different stages that those businesses are at. But there is certainly lively discussion each and every day as to what some of the possible solutions could look like that would honour and certainly allow for an empowered news media market, not just for digital independent publishers but also for the legacy media alike—and something that could work for both of us. Those conversations are ongoing, and we have been really proud to be part of a group that has been able to make their views known, and, certainly, for us to even have the opportunity to speak to you all today is a testament to that.

Ms DANIEL: Within that discussion, do you have any thoughts about must-carry laws, for example, or what the shape of that might be? Would that be effective, from your point of view?

Ms Seidler: We would need to see what that would look like in practice. Without seeing what it could possibly look like in its truest form, it would be difficult for us to comment. But we believe that anything that allows and enables greater access to information is a good move.

Ms DANIEL: One of the things that have been in the pipeline for some time is the government's News MAP approach. Can you speak to where you think you might fit within that.

Ms Seidler: I believe that that is a good move, but we missed and certainly weren't aware of that window for submissions. At that point we didn't know that it was in existence, so we are unable to take part in that currently. But, from our understanding of what that program is intending to do, we believe that that is a positive move for increasing that diversity in the market. But we were not able to be part of, or were not privy to, those sorts of conversations at that time.

Mr Koslowski: And, in terms of an audience that we hope to reach within our framework and for improving their access to news, it would be that young audience of Australia. That is the group in which we would identify with as—we are providing accessibility to public interest journalism to a group that is otherwise not receiving it.

Ms DANIEL: Is it fair to say that, given the general evolving state of the market but also this crunch point that's coming because of the news media bargaining code—but also the fact that the News MAP process is sitting there in the background—there would be a case for relooking at who the players are, particularly if the government goes down a path of designation, in order to make sure that organisations like yours have at least been considered within that landscape, if, as you say, you've kind of been overlooked?

Mr Koslowski: It's definitely a fast-evolving landscape, and there are so many ways in which we can try and understand who those key players are. We could look at monthly reach as an example of key-player worthiness, or we could also look to who those audiences are. The University of Canberra does some really excellent work in its *Digital news report*. This was the first year that The Daily Aus made the list of news outlets the survey had consumed in the last week; we had four per cent in that. The ABC is at the top, on 20 per cent. That puts us only two per cent below publications like the *Australian Financial Review*. It is important to have a contemporary understanding of who the key players in the Australian media are but also as important to understand how people are consuming news and whether the ways in which we're trying to target news consumption are the most effective.

Ms Seidler: We would welcome any opportunity to rethink the way in which a modern contemporary media market is viewed in this country, and we would always welcome the opportunity to have these conversations in an ongoing capacity.

Senator HANSON-YOUNG: I have a clarification question on that last point: were you explicitly told that you'd missed the boat for the consultation, and then left out? I find it staggering. We've been told for three years that the News MAP is coming, that the government was consulting and talking about it, and you're saying that, throughout that whole period, you've been overlooked. I'd like to get to the bottom of that.

Ms Seidler: I believe we have been purely focused on building this company. Some of our colleagues, I believe, were part of that process. I only say that we missed the boat given that those submissions have closed—not that there was any inference that that has been done consciously or on purpose. It's just that we have been focused on delivering the news and ensuring we have financial sustainability on our own; that's been our primary focus. We just have not engaged with that process.

Senator HANSON-YOUNG: But no-one from the department or the minister's office has been in contact with you about this?

Ms Seidler: Not to the best of my knowledge, no.

Senator HANSON-YOUNG: That's a problem. We'll raise that with them.

Ms DANIEL: I agree with the deputy chair there. Where I'm going is that, if the landscape is changing, it might be worth revisiting that to make sure everyone who needs to be considered is.

On the audience that you're trying to reach and are successfully reaching: do you have a broad comment on the risk and danger of that particular cohort not being able to access news or properly curated and fact based information, particularly considering the febrile nature of the international environment currently?

Ms Seidler: It's more important than ever. All the University of Canberra reports say the highest levels of mistrust come from young women, and that is predominantly where our audience sits. We believe that, during election cycle after election cycle, it's more important than ever to be reaching those people and that they are engaging. It's not merely a one-sided relationship; we have a real, full-cycle relationship with our audience. We are able to survey them both on and off platform on a regular basis. We are able to understand what they are thinking, hearing and doing, and, by the same token, we are able to present fact based information to them. If that opportunity were to be taken away, there would be really dire consequences.

Mr Koslowski: If I may quickly add: young people will not stop seeking out news and what's happening on social media if it's the thing their friends are talking about. It's about where they're receiving that news from. As Zara mentioned earlier, by taking away good actors on the platform you are left with only bad actors.

Ms DANIEL: You can take this on notice—and you may have gone to it previously; my apologies if I missed it. Have you modelled or can you model your financials based on a newsletter based approach in the absence of Instagram, in the case of designation? Is that something that you have numbers on that you can provide to us?

Ms Seidler: Yes. In our submission we said that we believed we would see a 50 per cent reduction in our revenue if Meta were designated, and, in response, Meta removed news from its platform. We have, since that time, been working to meaningfully diversify those platforms. We believe—and this can only be a hypothesis—that that would be reduced to about 30 per cent, down from that 50 per cent when we last submitted to the committee.

Ms DANIEL: Thank you.

CHAIR: I'll go to Ms Templeman.

Ms TEMPLEMAN: Thank you very much for what I think has been an education for all of us, because we are not in your demographic—although I have kids exactly in that demographic, and I'm sure they will tell me that they keep an eye on you on Instagram. I, for one, will certainly be continuing the conversation about the role that you're playing. I come from a traditional media perspective. I was a commercial broadcaster back in the 1980s through to the early nineties when commercial was the most listened to across the major cities in a whole lot of ways. It's great to see—I took a look at the range of journalists you've got. I was 21 when I started as a journalist, and I don't know that I had a fact-checker, but I certainly tried to make sure everything I said was factually correct. That's hard to do in the running of radio, especially live radio. Ms Daniel will have experienced all of that as well.

Our committee is looking at all these nuts and bolts but also at the impact that social media has on society. I want to continue that part of the conversation if I can, please. I'd love to get your sense on just how important you think social media companies' support for news and support in allowing news to be distributed is, not just for you but for the demographic that you are engaging with.

Ms Seidler: We believe it is of the utmost importance and that it is crucial. As Sam referred to earlier, we understand from all of the research available to us that it is not a matter of, if news was removed from social media, young people getting their news elsewhere. We have a completely decentralised system of news and of information dissemination now in this country and, certainly, in much of the world. Young people will naturally gravitate to those places that match their consumption habits. We cannot expect an entire cohort of digital natives to, overnight, change the way that they have accessed information for their entire lives. I am 27 years old; I have only known a world where much of my adult life has been connected deeply to social media. It is of the utmost importance that that fact based, accurate information remains on the platforms where those young people are. They will not leave the platforms. They will not be able to get news elsewhere—or, rather, they will not feel inclined to, and we believe that we must be able to cater to those audiences. Otherwise, as we've alluded to, we think that there will be really dire consequences for democracy.

Ms TEMPLEMAN: Talk me through, when you think about the consequences, how you could see that panning out.

Ms Seidler: We have observed, certainly anecdotally, over the last couple of years, that young people who are becoming of voting age do not understand how the mechanisms of our electoral system work. Many don't understand that you must enrol to vote and that that is a step that is necessary. For our work with the Electoral Commission, we were able to highlight that and increase that voter enrolment to a record high. But it's crucial civics lessons like that that happen as part of many young people's education but need to be built on and need to be preserved as they get older and nearer that voting age. We believe that we play a crucial role in that and around things like financial literacy, understanding how our tax system works—all of these things that young people are hearing around them but don't feel empowered to have conversations about.

Mr Koslowski: If I may also add, I think another moment where the consequences are on show and TDA's value is proven is in crisis response and in emerging, breaking stories. The one that comes to mind is the Bondi Junction stabbings earlier this year. I was really proud to be running a newsroom with Zara where we could talk to New South Wales police and get official statements they were putting out in an on-the-record, professional manner and distribute that on social media rather than the wide array of theories and the mis- and disinformation on that event that we all read in the hours post that event. That was a perfect demonstration of why you need responsible, ethical journalism on social media. Our cohort went to social media to figure out what was happening, and we were there to tell them the truth.

Ms TEMPLEMAN: Some of the things you're saying resonate with me in terms of peri-urban or out-of-Sydney media, where a lot of local papers have closed down. Some have disappeared. They don't print and they're

not online, and others are emerging. In terms of the group that you are servicing, does it tend to be an urban based cohort, or are you seeing some variety in where young people—who are of course everywhere—are, geographically? Do you know?

Ms Seidler: One of the big things that we are looking to undertake is a national survey—certainly a nationally representative survey—of young people to understand their views, their consumption habits and where they are getting information from. That is something we are currently looking at doing and completing by February next year. Currently we have been fairly restricted in terms of the information that we've been able to get from the platforms on geographical locations. It would be my guess that a lot would be urban-centric, just by nature of the platform itself, but we are certainly looking to diversify that and to reach new audiences and understand more about those audiences. That's why we'll be undertaking that project in the months to come.

Ms TEMPLEMAN: In your submission you talked about the news media bargaining code reinforcing existing power imbalances instead of addressing them and obviously not fostering innovation in journalism. That was your contention there. Can you just expand on that a bit more. I'm also really interested in where you see future news consumption going, based on what you're seeing now.

Mr Koslowski: On the point around innovation, in trade press all over the world, this point has been made over and over again—that, by providing established, traditional media players with essentially another revenue stream through commercial agreements with technology players, and now even with some AI entrants in the market, there is potentially less impetus for those players to experiment with new forms of media, and instead they are relying on efforts to ensure that that funding remains constant and grows.

In terms of who is providing daily news of national importance to a young cohort, it would be fair to say that the Daily Aus is probably the only one that fits that criteria. One of the things that Zara mentioned right at the top that I think is really important from this entire process with government is that we want the next 22- or 23-year-old to say, 'I want to start a news business in Australia that reports on public interest journalism.' The messaging from media schools and universities around the country is not positive. I'm the ripe old age of 29, so I was not at university that long ago—but long enough—but I've since joined the UNSW media advisory board to help shape that messaging too. We've got a sense of a dire future for news media in Australia, and I believe that that is actually dissuading Australia's next great journalists for pursuing careers in media. That is not good for the society we live in.

I think the future of media needs to rely on the diversity of players. We're going to have a much less centralised media environment, and it is more important than ever for those media players to have as many different streams of revenue as possible. I think governments around the world are grappling with this notion of how we engage with technology and media, and how we administer funding that could be created through a levy or through a public interest journalism fund in a fair and reasonable way that's depoliticised. There are a lot of big questions for all of us to answer. But this is not an Australia-centric issue. We're all trying to work this one out.

Ms TEMPLEMAN: Thank you very much for engaging with us on this issue.

CHAIR: I might just follow up with a question and check if there are any other questions from colleagues. I'm interested in how you might measure diversity within your audience. I note you've got some good evidence here around ages and having a predominantly female audience. But do you have a sense of how many languages are spoken by your audience or whether they live in rural or remote regions? Are you able to talk to us about how that is measured?

Ms Seidler: That goes to what we were just talking about—the fact that we have traditionally been quite limited in what we have been able to understand about our audiences just because as a social-first service we have been reliant on said social platform for those demographic data points, and we don't get that sort of data. We are working to rectify that, and we are working to better understand our audience through polling and certainly through this survey that we will send out not just to a panel but also to our audience.

I would also just say that I believe that part of what makes the Daily Aus successful is the fact that we are a newsroom that reflects the people we are trying to serve, and the diversity that we have in our newsroom goes a long way in showing that we are really attempting to reach a cross-section of this community not just in age but in cultural diversity and all forms of diversity. So that is of utmost importance to us, and we are trying really hard to better understand who it is we are talking to beyond the data that is given to us, and that is something that we will be doing in the months to come.

CHAIR: I also want to pick up on your capacity to have input into government thinking and policymaking. I appreciate your earlier comments that you were very focused on getting a business up and running and breaking lots of barriers in that process, so thank you for that. You didn't make a submission to News MAP, did you?

Ms Seidler: No.

CHAIR: Because you're busy organising a business—yes. I know you have spoken to some government representatives. Have you had an opportunity to have any conversations around that, or have you just had other priorities on your plate?

Ms Seidler: The priority has really been this designation question, just because that poses such an existential risk to the future of our company. So, many of the discussions have been of that nature, not necessarily around News MAP.

CHAIR: Alright. I'm pretty sure they'll be listening in, so, if you've got any contributions you want to make to News MAP, that will be very gratefully received. I know submissions have closed, but we take good evidence on that on an ongoing basis.

Enormous thanks for your evidence today. We really appreciate it. It's been an important insight into digital publishers that are new in this space. We have met with the Digital Publishers Alliance, which you are part of, and I want to assure you that they certainly participated in News MAP and would have put some views representing you and other members, I'm sure. It's a really important addition to the evidence that we're taking in our hearing today.

You've been asked to provide some follow-up, I think, with regard to your survey, and there may well be some other questions on notice that committee members will submit. If that's the case, we just ask that you return those answers to the secretariat by Monday 14 October. It's a bit of a tight turnaround, I'm sorry, but that's life for all of us, isn't it? Thank you again. We really appreciate your contributions.

Ms Seidler: Thank you so much for your time.

Proceedings suspended from 11:54 to 12:16

ALLEN, Mrs Siobhan, Executive Director, Catholic School Parents Western Australia [by video link]

ELACHI, Mr Dany, Co-Founder, The Heads Up Alliance

HALKIC, Mr Ali, Member, The Heads Up Alliance

HASSAN, Ms Toni, Private capacity

MARTIN, Mr Oliver, Private capacity

ROBERTSON, Ms Karen, Executive Board Member, Australian Parents Council

CHAIR: I now welcome representatives from Australian Parents Council, the Catholic School Parents Western Australia via videoconference, the Heads Up Alliance and Ms Toni Hassan and her son, Oliver Martin. Welcome to each of you. I understand that information on parliamentary privilege and the protection of witnesses giving evidence in Senate or joint committees, which is what this one is, has been provided to you. Is that the case?

Unidentified speaker: Yes.

CHAIR: Excellent. I just wanted to confirm, for the *Hansard* record, that everyone said that's true. Do you have any comments to make on the capacity in which you appear?

Mr Halkic: I'm also representing Bully Zero and my son.

Ms Hassan: I'm here as an independent researcher and author on the subject.

Mr Martin: I'm Toni's son, and I'm representing young people and my own lived experience of social media.

CHAIR: I understand we have received an opening statement from Catholic School Parents Western Australia. I'm just confirming that with all of my colleagues, but, as this is a forum, I'm very happy to really hear from you. I'm going to invite opening comments now. If you wish to reiterate any of your opening statement, that's fine; otherwise, my advice is to leave the time for questions. But that's up to you. Is there a preference to make some opening remarks?

Mr Elachi: Yes, I'd like to make some opening remarks.

CHAIR: Okay. We'll have some remarks from the Heads Up Alliance and also from Parents Council.

Mr Elachi: I'm a proud Sydney husband and father of five beautiful children aged between seven and 15 years old. I'm also the founder of the Heads Up Alliance, a grassroots, volunteer-run parents movement that encourages the formation of local family alliances to delay children's access to smartphones and social media in community. Our members number in the thousands, from every state in the country. We are Christian, Muslim, Jewish, Buddhist and none of the above; black, white and brown; city dwellers and country folk. We are parents from Perth to Byron Bay, from Hobart to Darwin. We are progressive and conservative and everything in between. We don't agree on all issues, but we do agree that our children are precious, that childhood is precious and that it's high time we reclaimed our children from the clutches of big tech.

I am honoured to appear before you today with fellow father Ali Halkic, father of Allem. Wayne Holdsworth, Mac's father, was also supposed to be sitting with me at this table today, but, unfortunately, he was unable to make it. I am speaking here today also with his support.

On 28 June, before this very committee, Antigone Davis, Meta's head of safety, testified under oath: I don't think that social media has done harm to our children.

In several other oral and written submissions to this inquiry, academics, cybersafety educators, mental health organisations and even the eSafety Commissioner herself have also, to some degree or other, attempted to downplay the harmful impacts of social media on our children. Parents are not buying it. We are the ones at the coalface, seeing the harms with our own eyes playing out in real time.

Experiments have been conducted in every family home in the country, and we know that social media is distracting our children, addicting them, depressing them, exhausting them, inducing anxiety in them, isolating them, crushing their self-esteem, serving them X rated content, facilitating predation, scandalising them, radicalising them, bullying them, sleep depriving them, sextorting them, preying on their specific vulnerabilities, driving them to self-harm and, in some cases, even to suicide.

Both Allem and Mac were 17 years of age when they took their own lives—Allem in Victoria 15 years ago, Mac in New South Wales just this past year. Allem was the victim of cyberbullying. Mac was the victim of sextortion. Meta might claim that social media does not harm children, but the Halkic and Holdsworth families and hundreds more like them who have paid the ultimate price beg to differ. Our children beg to differ. In his

farewell note to his dad, Mac made it clear that social media played a role in his suicide. Who do we believe: Antigone Davis or Mac Holdsworth? And, if we believe Mac Holdsworth, surely the next questions are: What are we going to do? And how soon can we do it?

Here is a good start: let's lift the minimum social media age, back it up by the force of law and put the onus back on the social media companies to ensure compliance. To what age should we lift it? Why don't we ask those defending the status quo why they think 13 is the correct age? Do they have evidence for that position? Are they insisting that we don't tinker with 13 years because they've consulted neuroscientists and child psychiatrists, or are we at 13 because of American privacy law, written 25 years ago, before social media was even invented, itself resting on the financial interests of tech companies? What are the chances that these financial considerations somehow got the settings just right for our children as well? It's an absurd position that those arguing against lifting the age have to defend. On the other hand, there are those who wish to place children's wellbeing at the front and centre of our considerations; those who approach this question anew, with an open mind; those who want big tech's profit motives to play no role in the question and who wish to consider the science of children's development instead; those who wish to apply the precautionary principle and maintain that, when something so fundamental and so important as childhood is at stake, when our children's very lives are at stake, it is prudent to tread carefully and to err on the side of caution.

I commend Peter Dutton for taking a decisive stance here. He declared boldly, months ago, that a government led by him would raise the minimum social media age to 16 years immediately. Many parents around the country have taken note of that, and we had planned to spend the next year making sure every parent in the country took note of it too. But just a few weeks ago the Prime Minister also declared he might be following suit. We await with great anticipation the Prime Minister's further detail around that announcement. In fact, the Heads Up Alliance challenges the Prime Minister to do better than Mr Dutton. We believe the gold standard is 18 years of age; I'm happy to take questions later on to support that position.

Parents urge our lawmakers to ignore the naysayers—those same ones who tried to stand in the way of school mobile phone bans in recent years. The same tired arguments were used then: 'It will only drive students' phone use underground'; 'Students will still find ways around the bans'; 'Let's not forget all the positive ways students can use their phones'. Thankfully, the state premiers saw through those inane arguments and pressed ahead. Twelve months later, the bans have been so successful that the premiers of Queensland, New South Wales and South Australia are doing backflips—not perfect, but still, as New South Wales Premier Chris Minns told me just 10 days ago, 'It's the best thing my government has done'. Thank goodness he and other premiers did not listen to the doomsayers then because they have been proven to be spectacularly wrong, just as they are wrong again now in trying to block this reform with the same discredited arguments.

I've heard some people say our technology to verify age isn't sufficiently developed yet or imposes too great an impingement on citizens' privacy. If this is true, we still want the laws on the books. If increasing the minimum age of social media is only a symbolic law, we say it is a law worth having. Ultimately, we're trying to change the social norms around social media use. Many parents are now under the false impression that if they hold their kids out until 13, they've done a good job and their children will be safe. A law change will help jolt perceptions closer to reality and provide much-needed support and clarity for parents.

We all in Australia now have a chance to do something historic, bold, brave and inspiring. From Germany to the United States and South Africa, the world is watching us. We have a once-in-a-generation opportunity to correct the mistakes of the past, and we shouldn't squander it. I urge this committee not to fall for the spin of big tech and their abettors. Please listen to the clear and untainted voices of your constituents for whom you work. We hear oftentimes we should listen to our children's voices in this debate, and I agree. Please listen to and believe Allem Halkic and Mac Holdsworth.

Ms Robertson: Thank you for the opportunity to speak today on behalf of the Australian Parents Council. I acknowledge the traditional owners of the land on which we join today, and pay respect to our First Nations elders, families, students and colleagues.

APC is the national body advocating for the needs and safety of children and their families, with a specific focus on those in non-government schools. Our mission is and always has been to ensure that every child thrives in an environment that fosters academic, social and emotional success. In today's landscape, that mission is increasingly being challenged by the persuasive and often harmful presence of social media in children's lives. As highlighted in our submission, while social media offers certain advantages these benefits are overwhelmingly overshadowed by the severe and far-reaching negative consequences.

The rise of social media has brought about a concerning decline in the mental health and overall wellbeing of our young Australians. Parents are seeing firsthand the toll it takes on their children's mental health, academic

performance and capacity to form healthy relationships. There is an urgent need to address these challenges, and the Australian Parents Council is advocating for the following recommendations. We should raise the legal age for social media access to 18. Children lack the developmental maturity to navigate the complexities and risks posed by social media. Platforms are designed to exploit their natural vulnerabilities, making them particularly susceptible to harmful influences. Just as we protect children from alcohol, gambling and driving until they reach an appropriate age, so too must we protect them from the harmful effects of social media until they are developmentally ready.

We should implement stronger age verification mechanisms. Current systems that rely on users self-reporting their age are grossly inadequate. We need government intervention to ensure proper age verification protocols are in place to prevent children from easily bypassing safeguards and accessing harmful content. We need the development of a coordinated national approach. Federal, state and territory governments must act together to tackle the growing issue of social media's negative impact on families. Inconsistent policies across jurisdictions are not enough. This issue requires a unified response that protects all Australian children, regardless of where they live.

We must provide greater support in education for parents. Parents are at the front line of this battle, often overwhelmed by the challenges of managing their children's online activity. APC strongly advocates for comprehensive education and resources for parents, empowering them to guide their children in developing healthier online habits. This includes supporting initiatives to teach parents how to implement stronger boundaries and better manage technology at home.

By regulating social media platforms, we can help to protect our children. Social media companies must be held accountable for the content on their platform and the impact it has on young users. We recommend that platforms be subject to the same classification systems as other media, with clear restrictions and consequences for exposing minors to hurtful or harmful content. We also call for stronger penalties on platforms that fail to protect children from cyberbullying, sexual exploitation and online predators.

Supporting a cultural shift towards healthier technological habits, the Australian Parents Council firmly believes that children should not be immersed in an online world prematurely. We need to foster a cultural shift that encourages children to experience life beyond screens, allowing children to be children. This includes promoting physical activity, family interaction and opportunities for face-to-face social engagement.

In conclusion, social media has become an unavoidable part of our lives, but we must not let it shape the lives of our children in a harmful way. The Australian Parents Council calls on the government to enact swift and meaningful reforms to protect our young people. Let our kids be kids. Give them the space to grow, learn and develop in a safe and supportive environment, free from the pressures and dangers of the digital world. Thank you for the opportunity to address the committee. I look forward to answering questions.

CHAIR: Thanks, Ms Robertson. Mrs Allen, you provided your opening statement to the committee. Do you wish to speak to that now?

Mrs Allen: No, Chair; I'm fine. I feel that my statement echoes very clearly what others before me have said.

CHAIR: Mr Halkic, are you seeking the call?

Mr Halkic: Yes, please. I want to acknowledge you guys. It's a huge task you have in front of you.

I'm here to represent my son, Allem, and the impact of what social media has done to me. I want to give you a very brief, quick insight. Over a school holiday period this consumed him. He was a happy, healthy, family-oriented, confident young man, and it took him to a point where he took his life.

When there's an unnatural death, usually there's an investigation. Going back to 2009, there were a lot of contributing factors. One of the contributing factors, as I sit here in front of you, was me. I contributed to my own son's death. I allowed him access to the internet. I allowed him to go on social media. I wasn't aware of the impact that it had on him. There's a false illusion of us having our kids home, in the bedroom and all these things. I was that disillusioned and I had no idea how much access I allowed my child, not knowing the risks and the dangers.

I've spent the last, probably, 12 or 13 years trying to understand the cocktail that brewed around his death. We get to a point where they have a lot to answer for. They didn't explain to us the risks and the amount of deaths and suicides that are associated with this. It is a plague; it's a cancer that's infesting our young children. My son was so beautiful and so confident. He was probably vulnerable at the same time, because he was never exposed to bad words or evil or anything like that.

At the end of the day, as parents, we have rights. I just want to make a comment, which a lot of people won't agree with: at 16 and under, they should have no choice. We, as parents, should be able to govern what we allow

and what we don't allow. I'm reaching out to all you guys out there to help us control this epidemic and plague. Allow them to be children again, to get back to some sort of normality and to disconnect. We probably missed an opportunity in the last 10 years, but I know we can make a difference for the next 10 years and the next five years by educating the children.

It all comes down to just one part: they need to be held accountable and they need to know. The hardest thing for me is that they don't acknowledge the damage that this is doing to young children. In 2018, 450 young kids took their life. That's a school that disappears out of this country every year due to suicide, and a high percentage of that is associated with social media. It impacts on adults—it challenges our mechanisms for coping. How can we expect children under the age of 16 to cope with presence, status, structure? It is not necessary for them to do that. We have taken away so much of their youth. We're so busy in our lives that we put iPads in front of them and we buy them phones. I have the guilt and shame that I contributed to my own son's death. I paid for his phone. I provided the internet. I gave him that computer. I had no idea how dangerous this is.

I've dealt with so many families along the journey, and I'm a voice for them as well, but most of all—we've just got to make a difference. Thank you.

CHAIR: Thank you. I appreciate this is not an easy forum in which to give very personal testimony, so I do thank you and I'm sorry for your grief. I'll hand over to the deputy chair.

Senator HANSON-YOUNG: Mr Halkic, thank you for your very personal evidence today. I know this is a difficult thing to do, but it is important that we hear real-life testimony in these types of forums, so I appreciate you making the effort and putting yourself forward. I think you're right: you are speaking for parents right across the country who are frustrated, confused and, often, at their wits' end as to how to manage all this.

I want to say that this is a deliberate business model of social media companies. They do not want their users to get off these platforms. The platforms are deliberately designed to keep you scrolling through social media feeds, following the rabbit warrens from one piece of information to another. We know this because whistleblowers from these big tech companies have said this. The companies know that this is addictive. They know what gets people to continue scrolling. They scrape all the data and then sell it off. They're making huge amounts of money off individual users—adults and minors—being on their platforms. They pretend they don't know, but that's absolute rubbish. They do know, and you're right to be angry about it. Frankly, some of the evidence we've received in this committee, from Meta in particular, is contemptible.

I think I speak for a number of us when I say that their performance hasn't been great in our hearings. What I really want to try to ascertain is what legislative reforms the Australian parliament can make that really do turn the dial on this. I believe we have to dismantle their business model because that's what drives them. They're not providing these platforms out of the goodness of their hearts; they're doing it because that makes them billions and billions of dollars. I'm wondering if any of you have considered some of the reforms that have been put in place in the EU in particular or elsewhere such as the Digital Services Act. I'm thinking in particular about the requirement for a duty of care so that social media companies are required legislatively, legally, to provide safety on their platforms, particularly for minors. I'm keen to see if you've considered the other models that are around the rest of the world. Anyone can jump in.

Mr Martin: One thing I think is interesting and I totally agree with is that these companies' models are founded on manipulation. They are really predatory. I can speak more to that, but I think we need different models. Implementing within these different platforms, say, safety policy can often be a gateway to justify what is inherently predatory, is inherently wrong and feeds on young people's data. There is a quote that is a bit famous in this sense. I think it appeared in a recent documentary about smartphones but has been used elsewhere: 'If a product is free then you are the product.' This isn't always the case, but it is definitely the case in social media. We're looking at who is the product. Some are 12-year-olds and 13-year-olds. In what ways are they the product? The way really is through envy first and foremost, but also hypersexuality and violence. Those are the ways that keep 13-year-olds, 14-year-olds, 20-year-olds and adults in our own lives in these kinds of spaces. Obviously, when you're 13 or 14, you are highly susceptible. So it's the combination of that. It's omnipresent and you are highly susceptible, so it's a really awful mix.

To answer your question or to speak to the other models: my personal belief is that we need consensus based social media models that exist outside of these companies. If social media is to have a place, we need to have people be on board. There different models for this—for example, open-source apps and open-source websites where the people buy into it because, as a consumer, you are not a consumer; you are being consumed. You are really an employee with your data, so you're a stakeholder within this business, in a sense.

Senator HANSON-YOUNG: In relation to data, one of the proposals being put to us—and something that does exist in other jurisdictions—is that, if you are a minor, your data cannot be sold off to advertisers, full stop. Other people go so far as to say this shouldn't be just for young people; every user should be able to have a stake and say, 'I agree that my data can go,' but minors' data is protected and can't be used to either be monetised by the platforms or push content to them. I'm interested in whether you'd agree with something like that. The other element—this goes to the predatory, insidious nature—is that, in some jurisdictions, minors are protected from the pushing of content: the suggestions of follow this person, look at this reel, do this, do that. The only content they can actually see are their friends, the people who are like them, their peers. I'm interested in whether you think, at least at a base level, those types of restrictions would be worth looking at.

Mr Halkic: Definitely. The ironic thing was that, when we went on Facebook in the early stages—mind you, this was back in 2009—Allem had 750 friends. I was trying to understand. There were only 320 kids in the school; where did all these kids or alleged people come from? I remember clearly asking him one day who all these people were, and he just said, 'They are my friends.' He had no idea who they were or what they were. I think it's a common theme now with followers. I think that restriction that we just spoke about is a no-brainer. It's a necessity. We want to take the control back as parents. We want to ensure that we validate all these people that are on there, but, for some reason, you deny an opportunity to follow someone or influence them. Kids are impressionable. That's reality. We've dealt with families with kids as young as 13 who are promoting themselves in inappropriate ways that I cannot even imagine as an adult. I'll be looking at that content and can guarantee you that 13-year-olds are not looking at that content. That's a danger associated with what they've created here. They've influenced that person or that child on what to wear, how to look, how to present. If we eliminate that and allow them to be kids—a 13-year-old should not know what a designer handbag is and so forth. It is just out of control.

Believe you me, when the journey started for me, the epidemic that I have seen unfold—I used to worry about school holidays because that's where the highest death rate would be, around Christmas time. It was a confronting thing for me. Now, through friends and the foundation as well, I've noticed it's every week.

Mr Elachi: You asked what lawmakers can do and you've suggested that the European Union has put forward some suggestions. We agree that all of that stuff needs to happen. However, it's not an either/or proposition; there are many levers to pull here. One of the main things we're asking for as Heads Up Alliance is support for increasing the minimum age of social media. I'd be interested to hear from you whether we have your support in that regard, because a lot of times we hear, 'Well, it's not going to solve the problem,' but no-one's suggesting that it alone will solve the problem, but it certainly is a huge lever to be pulling. We're concerned that not everyone is on board with that policy suggestion. If you're asking me, I'm directly telling you that increasing the minimum age of social media to, we believe, 18—others have suggested 16, others 14—is a very significant lever to pull and needs to be pulled within the next few months as the Prime Minister has indicated he might do.

If in time social media platforms prove themselves capable of reforming and providing platforms that are safer, that don't give predators access to our children, that don't addict our children to the tune of four or five hours per day on average—if they can produce platforms that are safer for our children—

Ms Hassan: [Inaudible] we've already pointed to the reality that they are eyeball merchants, that this is addictive by design. There is a question of whether it can ever be safe; hence this idea of a consensus model and alternatives outside of profit-making big technology would be something worth exploring. As Dany has suggested, this is one tool in the toolkit. The idea of reducing access for minors or creating a ban is part of the conversation. It's one tool among many. My submission of 8,000 words was all about saying this is a public health challenge. In the ways we regulate tobacco, in the ways we regulate smoking and in the ways we regulate gambling, we learn from those things, we pull together a taskforce with all of the experts and the lived experience and we say, 'How can we tackle this in multiple ways?' But I was disappointed by the Early Years Strategy—a 10-year strategy developed over many, many years for families and young people, and yet there's nothing on the digital environment. We've got to start from conception; we've got to start from when people think about being parents when they're not parents, so that they go into this open eyed about what happens. What are the developmental markers? Children are not meeting developmental markers.

I'd say that it comes back to the village. This is a fundamental failing, and I've been writing about this for 10 or 12 years. The village is there to say, 'You are worthy. You are loved. You are utterly welcomed,' and we've flipped that completely. We've asked them to go out there and say, 'Am I worthy? Really? Am I liked? How many friends do I have?' The onus is on them performatively sharing who they are, creating identities and profiles in order to say they are and brand themselves as worthy. It's a 180-degree flip. We've evolved over millennia to

grow children a particular way, and we've allowed this change—or, rather, big tech has allowed this change. So it's a question of—

Senator HANSON-YOUNG: No, it's platforms.

Ms Hassan: Can they ever be safe?' Can they ever be safe?

CHAIR: Mrs Allen has been very patiently waiting here, so I want to give her the call. I'll come back to you, Ms Robertson.

Mrs Allen: Really, I just want to agree with what's been said. In particular, the raising of the age for access to social media to 16 or perhaps 18 is not going to solve all the problems. For me and for the people that I represent, it provides time; it provides those extra three or five years for us to get some things into place. We know that children at this age do not have the cognitive or emotional ability to manage what they're seeing now. After the royal commission, the safety of children being paramount—and yet they say that the least safe place for a child today is in their bedroom with the door closed. We really need to take that into consideration.

I think that, with some of the things that are going on overseas, absolutely there need to be legislative reforms around this. Parents are really seeking help with this, and particularly parents in the vulnerable communities. Obviously, the parents here today are all articulate and we have a very deep concern about what's going on, but there are many children living in vulnerable situations where the parents don't have the capacity themselves to understand what's going on, and the only way we can address that is through legislative reforms.

I'd like to use the analogy of driving. Before we let a child even get behind the wheel of a car, they have to sit a test. They have to do a hazard perception test. Then they have to drive with an experienced driver for a year, and then they have to do another test to make sure that they're capable of being on the road. And yet, when children are 13, we hand them a device and say, 'Here you go, mate.' There are things that we can absolutely do that we're already doing quite successfully in some areas.

CHAIR: Thanks, Mrs Allen. I'll go to Ms Robertson, and then I'm going to check for more questions.

Ms Robertson: Just to reiterate, we've lost the power to parent. Tech companies now own our children. We need to give the power back to parents to be able to navigate this space with conviction, with agency and with the rules and the scaffolds or frameworks in place that allow them to say no.

Going to Mrs Allen's comment that we have rules and regulations and actions and consequences around driving, we all know the rules of the road. We all work to the developmental age at which driving is appropriate for our young people to engage with, and we follow those rules, and no-one questions them. But we don't have those rules in place for this space, and it's not an easy set of rules to develop. But, once we have a set of rules, we also need to then empower our parents to put those into place and stand by them, and we need the support of everyone to do that.

CHAIR: Ms McKenzie.

Ms McKENZIE: I have three questions. I'll just put them all out there, and you can decide how it's best to answer them. One is very much to Mr Halkic. You described that part of the problem we have is that we're all so busy—and we are indeed busy; sometimes we're a bit addicted to the toys ourselves. What message would have reached you at the right time, and how would we best have done it, considering that we're all so busy? We do tend to think that our kids are safe: they're in the bedroom or on the couch, just reading the newspapers like we are—they're not reading the newspapers. How would we have reached you at the right time with your situation?

Mr Halkic: I truly believe it's the educational piece. Knowing what I know today, I can comfortably stand here in front of you and say that, if I'd known the risk and eliminated the risk, he would be alive today. I so believe that. With the distraction part, I think what we have to understand is the accessibility to the kids and the lack of control. If they're bored from it, they're not going to continue on with it—if you limit the scope of what they can do and the different types of distractions.

By all means, I'm not a specialist in the field, but I've listened to so many specialists. It retriggers in their minds. They keep reinventing and reinventing, and they just get absorbed by it. If we eradicated 99 per cent of the associated dangers and kept it simple—this is the part that I just don't understand: as a parent, I couldn't control it. The epidemic is here now. Our biggest investment is our youth and our children, yet we're creating this environment—we're even forming committees to protect them.

It is very, very simple. These organisations know how to manipulate and have the psychology behind them to destroy these children's lives. When the children become 15, 16 or 17, they're already wired differently. They're disconnected; the human element's no longer there. Families were coming in, because they're either gamers or—

all these types of things. I think it's very, very simple: eliminate the risk. As a nation, we can do that and be proud of protecting our children. I probably didn't answer your question in the way—

Ms McKENZIE: So if we can eliminate the risk then we don't need to educate the parents? My question is whether we need to send—

Mr Halkic: Educating the parent is huge. It starts with parents and education.

Ms McKENZIE: But let's be practical. Am I meant to send you home a booklet from school?

Mr Halkic: Yes.

Ms McKENZIE: Am I meant to somehow reach you through social media? How am I meant to reach you as a parent?

Mr Halkic: Through the foundation, we do parent-teacher nights and we talk about the reality and the stats. The tragic part about it is that parents can't always attend those sessions, but there are other forms and ways that we can reach parents and put out the warnings, be it TV commercials or health warning signs. Whatever it may be, it has to be a reality. The way we need to confront parents is: 'Know that this will kill. It has killed and it could possibly kill.'

Ms Hassan: It's learning from COVID—at every opportunity where there's traffic and eyeballs. It's maternity clinics, in the case of educating future families about developmental markers: what to look out for; how the brain works; the intense plasticity of adolescence—where they're learning self-efficacy and how to control their impulses and where they're learning emotional regulation. It's from the get-go, and it's repeat, repeat, repeat, I would suggest.

Mr Halkic: I would agree.

Ms Hassan: It is a parent-educative piece. It's a community-and-school educative piece. It's engaging children and students.

Mr Elachi: At the moment, because social media platforms don't allow children on until the age of 13—which a lot of children are bypassing anyway—a lot of parents have received the message that 13 is the 'safe' age. You ask what messaging parents need. Just like we tell parents, 'Smoking is hazardous for your children,' we need to tell them: 'Social media is hazardous for your children. TikTok is hazardous for your child. We need that messaging out there. Again, a law that supports that messaging, even if it's wholly unenforceable, would still support that message and would send a very strong signal to parents: 'Stop. Think about this. There's a reason why the government has said there is a minimum age for social media.' It's not 13, as Snapchat would have you believe. It's actually something we've considered and it's much higher than that. So that's one very, very good way that government can support parents. I absolutely agree that education is—

Ms Hassan: And that's all about social and cultural norms, right?

Mr Elachi: It's changing the norms. I absolutely agree that we should use those extra years to educate parents and educate children, as well. I'd hate for the message to go out today that we think that if we do this we'll have solved the problem—not at all.

Mr Halkic: Let's use their tactics as well and apply the way they run it. Let's have trigger points for parents, with signs, billboards and commercials saying: 'This will harm your children. This will cause death.' They have trigger points for our kids. Let's use their principles, as well and trigger parents to know the associated risks. I'd love to know what 12- or 13-year-old has paid for their iPhone 15 or 16 and pays for their bills. I'd really love to find that child who's gone out, saved their money and said, 'I'm going to pay a phone bill.' It's parents who need to be accountable.

My opening comment was that I was a contributing factor to my own son's death, and I will live with that every single day. I wake up with it and go to sleep with it. I shower with it. I eat with it. The risk that I had no idea of should strike the fear of God in every single parent, because it's not the ones we think. If Allen were here and you lined up 10,000 children, he would be down towards the end. He was no way known to be in a position like this. This consumed him, and within four to six weeks Facebook basically destroyed us as a family.

There is one other component if we don't invest in the awareness and the dangers associated: the financial impact. Don't just worry about mum and dad, the grandparents, the courts and the police. There was the millions of dollars for the inquest into my son's death. We can surely use those resources to educate and benefit people with the right support and the right learning tools to help them and help us as a society as well. We shouldn't be afraid to take it on. To be honest with you, I come here, as you know, as a grieving parent but also a voice for him, because he deserved to live. He deserved to be able to escape from it and he just couldn't. That's how deadly this is. They get you. Even though you block it, your mates are still open to it. They're vulnerable. They're

contacting you through other means and saying: 'Did you see what was posted about you? Did you see what X, Y and Z did?' It just consumed him and he could not escape it. In the cocktail that was brewed on that last night, there were 300 interactions and they all happened between 1 am and 5 am, before he passed away. The false illusion of a parent thinking that he's safe at home in his bedroom is dangerous.

Ms Hassan: That is absolutely the case. The kids are alone in their grief, in their fear. That was our experience. I have three. Oliver is in the middle. When our first child got hold of a smartphone, we really had no idea. It was a crisis that led to my independent research and authorship. So it is pain in all its manifestations that has brought us here.

Ms McKENZIE: Can I ask you to talk to us about 16 versus 18 a bit more?

Mr Elachi: Sure. As I alluded to in my opening statement, the question we should ask ourselves is: where do the signs lead us? We shouldn't just go off the vibe of things. Sixteen sounds good. It's certainly a whole lot better than 13. But for 16 the question is also: are we stabbing in the dark here? We need to talk to neuroscientists and child psychologists and say: 'Here is a blank sheet of paper. If we were modelling social media from the ground up again, where would we land on this age?' I believe it's 18. Jonathan Haidt says there's so much damage being caused. If our children were just watching butterflies and unicorns for four or five hours a day, that would still be damaging them so much because they'd be missing out on play, exercise and interacting with family and friends and other real-life interactions. So, even if we were able to just wave a magic wand and suddenly make the content perfectly suitable for children, children being, on average, four to five hours per day on social media platforms is harmful for them. We need to ask ourselves: at what age can somebody consent to that level of harm? Jonathan Haidt says, 'When you're an adult, have at it.' I tend to agree. A French report was commissioned very recently by President Macron of France. He brought together some of the best minds in France on this question, and they all agreed: mainstream social media is no place for people under the age of 18.

Ms Hassan: It's an infantilising that happens. It's not just the headline stuff around predators and strangers sexualising them. That's part of it, but it's just the everyday infantilising that happens. It's the kind of intense stimuli that children are exposed to that makes ordinary tasks dull and hard and a fight with parents. It's at that everyday, ordinary level that this has become a site for conflict. As to the question of what age, I mean, Oli is 20. Do you have of view?

Mr Martin: To speak to that, I would say that it's an interesting question as to whether children want to be on these apps and what does wanting look like when you're 12. You want to because your friends are on it or you've heard about it. I got Instagram when I was 12 and I don't really remember why. I remember my older sister had Instagram. It was kind of this cool thing. But, if you really sit with the emotions that Instagram or Meta—these companies—bring up within children, they aren't necessarily good emotions. They don't feel good in our bodies. They don't feel healthy or communicative. And very quickly it becomes a thing of, 'Get off your phone!' Do you know what I mean? It becomes antagonistic within families, where the onus of grappling with this new addiction is placed on, say, a 14-year-old or a 12-year-old. To your question, as aforementioned: Are they able to consent? Did they have any choice, if they're in a class of 20 and 18 have Instagram?

I think the minimum age becomes really relevant within that space, where you can actually look at whether it's even serving young people at all, and in what ways it is serving young people, and whether we can affirm those ways outside of these companies. I think that a minimum age ban, in bringing awareness to the harms, is great, because it's a good conversation style: why is it 14? Like with alcohol or driving, there's got to be a reason behind it.

Ms Hassan: It cues the conversation at home, do you think? I mean, as has been highlighted, parents feel marginalised, and setting new norms or cultural expectations around this gives them some control, even in their own lives, as they experience addiction in various forms, given the blurring of home and work. But these are questions for the experts. We've come with lived experience and our personal story, but there are a whole lot of things. It's about working out the multiple things to do as a public health challenge, understanding the science and the pain we've all been through.

Mr Elachi: Having said that, I have to say that I think the experts are failing us at the moment. None of them are looking at this question in the way that it ought to be looked at. They're all defending the status quo of 13, which by some sheer accident we got right 25 years ago before social media was even a thing. It can't be defended. The correct age has to be looked at through the lens of science. We need to be asking the right questions. Defending what Meta or some other big tech companies decided 25 years ago, because that's what suited their financial interests in order to be able to collect data and so on and so forth, and magically suggesting that that is the actual age that is safe for our children would be the biggest fluke in history. It just isn't. I don't

know why the experts aren't taking this to first principles and looking at this question in the way it ought to be, but we would ask our lawmakers to be alert to that.

Ms Hassan: I'd flip it and say that, rather than asking what things we should stop or what things we aim to do that may look like a ban, we should ask what is a healthy childhood, what it would mean to reclaim childhoods and what is the vision here for happy childhoods, and start there and begin to divert money and resources into diversionary programs for those who are already there. We don't want to criminalise children. We don't want to make it hard for families, particularly those with other trauma or low SES, for whom this will be harder. We want a sequence of things, a package, including diversionary programs and play based childhoods. What would that look like if the Commonwealth were to seriously say, 'Can we have schools where there are no screens and where we're able to genuinely pilot, with a scientific approach, to be able to compare one with another?' At the moment, all our kids are guinea pigs because there isn't a clinical trial. There isn't the equivalent of a community that hasn't been exposed in order for us to say conclusively. So can't we have schools that are funded to run pilots that are genuinely screen free to establish the difference?

Mr Halkic: Yes, and just go back to the old ways. There is the financial impact on parents as well. You've got to get them the phone. You've got to get them the laptop. Before, we used to spend \$200 to \$300 on the schoolbooks. Now we're spending \$1,500 or \$2,000 on iPads and smartphones and all this crazy stuff. Parents are just forced to comply.

The part that really gets me is how detrimental this has been for our society over the last 10 to 15 years. If we don't put a stop to it now, it's just going to get worse and worse. It will be beyond comprehension. Young kids are developing so much earlier these days. You have hormone imbalance, puberty and all these mixed emotions and feelings, without this added pressure of existence and validation through social media. Just give them time to breathe and develop and feel the anxiety and the love and the pain and the suffering with this. I can't tell you how many tragic stories I've experienced, and it is all leading to one road, unfortunately.

CHAIR: I'm just going to put us all on a bit of a warning: we're wrapping at 1.30. I haven't even got to Ms Daniel or Ms Templeman. I'm happy to concede all my question time to them both, but I also know that Mrs Allen and Ms Robertson are seeking the call. So I'm just going to ask each of us to be as succinct as we possibly can. I know this is tough. I'm going to hand to Mrs Allen first and then to Ms Robertson, and then I'm going to you, Ms Daniel, and then across to Ms Templeman. That's the order. Over to you, Mrs Allen.

Mrs Allen: Thank you, Chair. This is just in conclusion, really, from my perspective. I think that we have to address this in a multifaceted way. I think we have to combine regulation, education and support, because we're in this space now. In 10 years time, we might be in a different space where we are more in a position to train people from the beginning, but we're in this space now and we have to look at how we manage it. So we need to have regulation and legislation; we need more education across the board for parents, children and even teachers trying to manage this in the school environment; and we need that support.

There's a really good ad campaign about alcohol here in WA. It's called Alcohol. Think Again. It was put in place to help parents encourage their children to stay away from alcohol until they're 18, because obviously scientific research shows that that's the best thing to do. Before that, there was a culture in Australia—and probably also in the country that I come from, Ireland—where we introduced kids to having a drink at home early on. Of course, science has disproved that. But the by-line for that ad is, 'It's easier to say no when we all say no,' and I think that's really important to remember, because parents are really struggling in this space. They're struggling with teenagers anyway. That's what we do when our kids are teenagers. So it's leading to more and more arguments and discomfort in the home from even having to have these conversations. However, if there were legislation in place, it would just become easier, because as a parent you can say to your child, 'Well, I'm not going to let you do anything to break the law.' It can be as simple as that. It just needs to be a multifaceted approach to this.

CHAIR: Thank you. Ms Robertson.

Ms Robertson: I just have a quick comment. I think we need to be careful that we do not conflate technology—and the benefits technology that has brought to society, especially in bringing equity to education—with social media. Social media is one dangerous element that we can access through technology, but technology within our system, within our schools, within our homes and within society is actually bringing great benefit. We talk about taking systems away or removing screens from schools, but there is the opportunity through technology for children, young people and general society to access information, to access education and to have greater equity in learning and understanding, and that is not necessarily associated directly with social media and the impacts of social media. So I think we need to be very careful that, when we're talking about the reforms we're

looking at, it is not generalised to technology as a whole and that we are talking about the specific impacts of social media and the platforms that support social media that are having the negative impact in this space.

CHAIR: Thank you. Ms Daniel, thank you for waiting very patiently.

Ms DANIEL: I'll try to keep it to one question. Thank you, everyone, for your evidence. It is a very challenging and painful subject; I understand that. I note, though, that various mental health organisations including Alannah & Madeline, ReachOut and headspace have spoken about the risks of going down the pathway of age bans, saying it won't make any difference, it might create more harms, it won't deal with the drivers, it takes responsibility off the platforms for their content and their spaces, it might drive help-seeking behaviour underground and it's a blunt instrument with unintended consequences. While I've heard the comment of it being a good conversation starter and a beginning point for setting new norms, there's a risk in regulators and governments ticking off 'job done' when they're actually triggering another problem through unintended consequences. Could you address those sentiments, please.

Mr Elachi: I'm bitterly disappointed by headspace and those organisations who have been putting out these media statements suggesting that there's more harm that could be done by lifting the minimum age of social media. We heard the exact same arguments when we were trying to get phones out of schools; it didn't precipitate. We look back now and think those arguments were completely unfounded. I'd suggest that they are again unfounded. What is the basis for defending the age of 13? We haven't heard it. They haven't made the case for why it needs to be 13. Had social media allowed 10-year-olds on 25 years ago, would we now be defending the age of 10? For whatever age you wish to defend, you need to make the case, and it's for those organisations to make the case. It's not for parents or for other organisations to present the alternative argument. If you can't, as a starting point, make the case for 13, then you have lost the argument.

We're suggesting we need to sit down and look at these questions afresh. If we do take the science into account, then we believe that the age ought to be lifted, without any shadow of a doubt. For the arguments that are put forward that it will drive behaviour underground or that perhaps children will lose one way of connecting with mental health programs themselves, there are other ways that children can find mental health support. It doesn't have to happen through the medium of TikTok.

Ms Hassan: Perhaps it needs to be transitional, though.

Mr Elachi: It might be transitional.

Ms Hassan: We want to acknowledge that, for equity, there will be families—if you're illiterate or you're struggling at school at many levels, but you can make a very mean video on TikTok and get a million hits, there is an endorphin hit for that child and a sense of belonging, for good or for bad. I'm just saying that there will be unintended consequences, and it's managing those. Yes, we would like to raise the minimum age. There's no question of that, Dany. It's part of the suite.

Mr Elachi: It's part of the suite.

Ms Hassan: But there will be effects—

Mr Elachi: I've spoken to this.

Ms Hassan: and it's up to governments to manage that. As with any bill, there's a process that establishes the caveat and how to manage what may be an unintended consequence or two.

Mr Elachi: Right, but we're talking about the principle here. I've spoken to these organisations, and they've told me that their concern is that the government will raise the minimum age of social media, tick a box and then walk away and that they'll remove funding and say, 'We've done our job.' We're not suggesting that at all.

Ms Hassan: That's right.

Mr Elachi: That's not what we're suggesting. We can walk and chew gum at the same time. I think you'll find that a lot of these organisations have that fear that they may then be cast aside and thought of as no longer deserving of funding, research grants or things of that nature. I would like our lawmakers to reassure those organisations that that's not the case and that, if we do go down this path, it's not the end of the story. It's part of the story. I don't know if anyone here is able to speak to that concern, but it might go some way to alleviating their opposition.

Mr Halkic: There's one thing I want to put to Alannah & Madeline and headspace. What gives these organisations the right to make a comment? They're just charity organisations providing support for children, right? They're making comments that they're really not equipped or educated to make. We have professionals out there—scientists, neurosurgeons, psychologists and all these people—saying it's causing harm. What's the risk of taking it away? We're not going to have an epidemic of suicides because children don't have Instagram. That's just

ludicrous from organisations who are meant to support children. They're not in a position to make a comment. There's no validation or proof behind their comments, and I feel it's out of line.

Ms DANIEL: If I could break in there, with respect to the various organisations that I mentioned, I think some of the core of their remarks goes to the fact that they don't think that an age ban deals with the drivers and that, in many ways, they think it enables the platforms to retain unsafe spaces and to not deal with unsafe content by saying, 'Well, if you've got through the gateway and you're underage, the responsibility's on you because we put the gateway in place.' I think it goes to the deputy chair's original question around the duty of care and systems change on the part of the platforms, rather than allowing the government—if not this government, then any government—to tick a box with an age ban to feel like it's done something and to indicate to parents that it's done something, where that may not be the appropriate mechanism to deal with the issue.

Mr Elachi: I think the responsibility needs to fall back onto those very same platforms. If we do set a minimum age, it's for them to ensure that children don't bypass the age gating, and, if they do, there are consequences. We do not want to let big tech off the hook at all. I'd like to make that very clear. We can do (a), (b), (c) and (d) all at the same time. It does not have to be an either-or thing, and I'm certainly in favour of making sure that big tech themselves are responsible for age gating and, as we've seen in other jurisdictions, for there to be massive consequences if they fail to do it. What's the bet they'll be able to do it very quickly and efficiently?

CHAIR: Sorry, Ms Daniel. I'm going to give the call to Ms Templeman now to bring it home.

Ms TEMPLEMAN: We know the government is going to introduce legislation before the end of the year and the age-verification trial tender is out and closes in a week's time, so the actual practical work is underway, because it doesn't happen by itself. We also know that there are a range of ages and models that are being discussed by various jurisdictions, including a parental consent override of age limits or a parental consent option. I'm interested—and hopefully this gives everyone an opportunity to give a short answer—in whether you agree there should be a role for parents in approving access to social media based on their own knowledge of their child's maturity.

Mr Martin: What that brings up for me—less so me. My sister is a teenager, and, if she wanted social media and mum was like, 'I don't want you with social media,' she would get social media. There's so much importance as a teenager to fit in. There's so much at stake, really. I think that leaving it up to parents—I'm not sure if I'm interpreting what you've said correctly.

Ms TEMPLEMAN: It was about whether the child has the conversation with the parent and the parent says: 'Yes, okay. I think you're mature enough.' Do you think parents should have the ability to override whatever the law says? There's an element in there—

Mr Martin: I think that, without a cohesive cultural norm around what e-safety looks like, that would be really challenging and could put a lot of stress on parents unnecessarily. I think that, without a strong foundation—whether that be in the law or with education—I don't see that being super effective.

Ms TEMPLEMAN: Are there other thoughts on a parental override?

Mr Halkic: With the educational piece for parents, if we invested to bring the epidemic to the forefront and were not afraid of talking about it liberally through schools, through programs, through education, through billboards or whatever—like with health warning sides on cigarettes—a parent would have the right to take control. Where I find it really comical is that we seem to think that a 16-year-old has a right to join, still. As parents, we should parent, not be forced to be controlled because 300 kids at school have got it and my child won't have it. That's the challenge.

Ms TEMPLEMAN: If the law says, 'Let's just pick 16, 17 or whatever'—

Mr Halkic: Yes, let's assume it's 16.

Ms TEMPLEMAN: should the parent be able to override that?

Mr Halkic: Definitely not. It's 16 and under, and that's it. We need to support the law. The government is going to introduce it. You're breaking the law; it's as simple as that. If I speed, I get a ticket—I get fined.

Mr Elachi: Ordinarily I am a huge fan of parental autonomy, but there are some instances where we have what we call a collective action problem which requires a collective action response. In much the same way, we've put age limits on alcohol and tobacco. We don't make exceptions for the 17-year-old who knows how to handle their alcohol a little bit better. We just say, 'That's the rule.' Yes, it is a little blunt. But, right now, in the environment we're in, we need a blunt instrument and to reset—

Ms TEMPLEMAN: I can see Ms Robertson nodding. I'm just checking with Mrs Allen.

Mrs Allen: I obviously believe very strongly in a parent's right to be the parent to their child. My concern around something like this is: what about the parents who don't or can't? Then you've still got kids having access in the community. You'll have parents who will absolutely say a strong no: 'No, mate. I just don't think you're ready for this.' Then you'll have parents who just don't. I don't think that actually solves the problem. It just means that half the kids are arguing with their parents that their friends are allowed to do something that they're not allowed to do.

I think that there needs to be some kind of age whereby we as parents take control over not just our own children but all children—so our community of children. I think we do have, certainly, a responsibility there. The people sitting here today are all very competent parents and sound like very competent parents, but there are many out there who for whatever reason don't have those skills or attributes. We need to protect their children as well.

Ms TEMPLEMAN: I've got other questions. I have one around kids who are neurodiverse, queer or different. I might pop that one on notice. I'd be interested in your thoughts, particularly because of what students have told me.

CHAIR: We've got about 90 seconds, so over to you, Deputy Chair.

Senator HANSON-YOUNG: You may need to put this on notice. If parents are going to be required to implement this law, will they be criminally responsible if it's broken?

Mr Elachi: Absolutely not. We don't want parents to implement the law; we want big tech to implement the law.

Senator HANSON-YOUNG: I don't think big tech can be trusted to do that.

Ms Hassan: It's the institutions that government uses to enforce the law in the case of an Australian law, but I'd come back to—

Senator HANSON-YOUNG: To go to Susan's question, if there's no way around it—if we say, 'It's not parents' choice; it's 14 or 16 or whatever'—and then that is somehow broken or got around, who's held responsible for that? Obviously I understand that the tech companies need to be responsible for who's on their platform, but how do you—

Ms Hassan: In public health, we say it's the retailer. It's asking what the entry points as consumers are where, at every stage, someone is held responsible. This idea of a duty of care would encompass all those stakeholders.

Senator HANSON-YOUNG: That's why you'd need it.

Ms Hassan: I think so.

Senator HANSON-YOUNG: It's why you need the actual regulations on the tech companies. You can't just be—

Mr Halkic: But Sarah, it's the purchaser of the device as well.

Senator HANSON-YOUNG: I guess that's my question.

Mr Halkic: Yes. That's where I was leading. As a parent—

Senator HANSON-YOUNG: If a parent goes and buys it and uploads Instagram and changes the date of birth or gets around it—

Mr Halkic: That's it. It goes back to a comment that I made. I'd like to see a 12- or 13-year-old who has bought their own iPhone. If a parent buys that equipment, they need to understand what the risk associated with that is. They sometimes need to be held accountable. Unfortunately, until you're at the receiving end, like me—whatever I do here, I can't bring him back. But we know that we can make a difference for what's ahead of us. As a parent, yes: make me accountable because I've provided that phone to my child. I failed to deliver the risk associated, and he or she's committed a crime—or whatever it may be to any aspect. As a parent, yes—you've provided that tool. You need to be accountable, and that's how seriously we need to do this. How much value do we place on a life and how much prevention can we do?

CHAIR: That brings this part of our hearing to a close. I wish to remind you that if there were questions you took on notice or any evidence you were asked to provide in addition to your testimony today, then if you could get that back to the secretariat by Monday 14 October, that's our ask. Thank you enormously to each and every one of you for participating today. It's very helpful in helping our committee as we deliberate on these very important measures.

Proceedings suspended from 13:32 to 14:32

BRAGA, Mr David, Chief Executive Officer, International Justice Mission Australia

WONG, Ms Grace, Chief Advocacy Officer, International Justice Mission Australia

CHAIR: Welcome. I understand that information on parliamentary privilege and the protection of witnesses giving evidence in a Senate or joint committee such as this has been provided to you both?

Mr Braga: Yes, that's right.

CHAIR: Thank you. I know that we do have a submission from you, and thank you for that, but I'm happy to invite you to make an opening statement or opening remarks. We do have a copy of your opening statement as well, which was very thoughtfully provided to us, so enormous thanks for that. I'm happy for you to proceed with that, and then we'll open it up to questions from each of the committee members.

Mr Braga: Thank you so much for the opportunity to appear before the committee this afternoon. My comments today do include content that some committee members or witnesses may find distressing. IJM is a global organisation that is acting in 18 countries around the world to strengthen justice systems to protect people in poverty from violence. We value the opportunity to present to the committee because making systemic changes in countries like Australia is a high-impact, large-scale way to protect hundreds of thousands of vulnerable people in the countries that we're working in.

There are two core issues that I will give evidence on today which are relevant to paragraph (e) of this committee's terms of reference. The first is the online sexual exploitation of children, or OSEC. It often takes the form of live-streamed child sexual abuse, whereby offenders pay traffickers to commit sexual abuse of victims, often young children, while offenders watch and direct this abuse live for a fee. This abuse routinely includes forcible sexual penetration. Children are forced to engage in sex acts with other children, are sexually abused by an adult and are sometimes harmed in other degrading ways such as in bestiality. Simply put, it is child sex abuse live on demand.

The nexus with social media comes because arrangements for these sessions are often made by the perpetrator and the facilitator communicating through everyday social media platforms. Live-streamed abuse sessions are then often conducted on everyday platforms such as Microsoft Skype, Facebook Messenger and WhatsApp. Australia has a moral obligation to address this harm because it is consistently ranked as a high consumer of this abuse. The onus needs to be on the social media companies to make sure their technical design, their business model and their algorithms do not facilitate this harm. They are accountable if a child is harmed through their service, and there are actions they can take right now which will make a significant contribution in the fight against this abhorrent type of crime.

Social media also plays a role in facilitating the scamming industry run by organised crime and fuelled by a workforce who is often deceptively recruited by ads on social media. Individuals are trafficked across country borders and confined inside gated scam compounds. They are then forced and coerced with threats and actual violence to scam Australians and others, often, again, using social media. The social media companies are inadvertently being used to facilitate these crimes, and we need to oblige them to do more to proactively address this issue—for example, by identifying and taking down fraudulent ads and by identifying and banning users who are perpetrating online scams.

Social media has become ubiquitous in the lives of Australians. It has come with many benefits but it has also largely evolved without significant government regulation. Given what we have seen, it is appropriate and reasonable to now consider what obligations should be imposed on the companies providing these platforms, to protect vulnerable people from harm. I welcome the opportunity to discuss this further with the committee and look forward to your questions. Thank you again for the opportunity to be here.

CHAIR: Thank you very much.

Ms McKENZIE: Thank you so much for joining us today. Some of your testimony in your submission is some of the most confronting that we will see and hear while we are here. It occurs to me that social media is just one very small part of the puzzle. Therefore, do you think we are being broad enough in our consideration, and, if there are other considerations you'd like to bring us to account beyond age verification in social media, what would you like us to look at?

Mr Braga: Thanks for the question. We think that social media has an important role, unfortunately, to play. If I can particularly talk about OSEC first, perhaps—that might be the direction of your question.

Ms McKENZIE: My question is: if we solve the social media problem—and the question is whether we can—does the type of content you're describing just move to a different place?

Mr Braga: We think it is worth taking this action, because today all this crime is being facilitated on the easiest platform that people can get access to—the social media companies' platforms. It is worth taking this action to make it harder for people to access both the facilitation of the crime and the prosecution of the crime through the platforms. It may result in people moving to other places; we've seen that with things like where we've closed down the criminal sexual exploitation of children through brothels and prostitution in person. Now we're dealing with this crime in this place, it's the right time to take this action. There may be other places where we have to act again in future, but right now people are being harmed today easily through these platforms. That has to stop.

Ms McKENZIE: Absolutely. I invite you to comment on when the human element is removed and it becomes artificial intelligence. That is challenging because you're effectively taking the victim out of it. It is the depiction that remains the crime, as I understand it from the AFP. Do you have any comments on that and how we tackle that through a social media lens?

Mr Braga: I think the development of artificial intelligence brings other complications to this crime. We want to protect children who are being harmed, so provided we can achieve that outcome that's a really good position for us. The concern that we have is that the research shows that consuming this type of material can lead consumers to want to perpetrate crimes against children. So the nexus with an AI-generated image should be something that we continue to be concerned about, because the research shows that continued nexus.

Ms TEMPLEMAN: Thank you for the work you do. I can't imagine how challenging it would be. I just want to explore some of the things you've got in your submission and get those in the *Hansard* as evidence too. I'm aware of the work that you do to protect people in poverty from abuse, and you've talked about how you're seeing it translated in the online world. Your submission also talks about it being Australian children who are being subjected to the abuse as well. I think in our heads we think this is something that's happening overseas and being streamed or in some way brought into Australia virtually. Could you just talk about both sides of it.

Mr Braga: The reality is, and again research has shown, that Australian children are also at risk of this crime. The Australian Centre to Counter Child Exploitation has identified that Australian children are also being exploited, so we don't see this only as a crime that's perpetrated overseas. We don't have information on prevalence inside Australia, but our data coming from countries we work in, such as the Philippines, shows the incredible scale of harm that is occurring today. So we think that the types of actions that can be put in place from Australia now can protect children here and children overseas.

Ms Wong: If I can just add to Mr Braga's response, live streaming is the particular form of child exploitation that we focus on, not known CSAM or material that has already been created and hashed and picked up and detected by companies. We're looking at live shows that are being conducted and directed by offenders, who are usually overseas, so this makes it a particularly difficult form of child exploitation to detect within the current framework and technology. We think that the types of recommendations we're making about live streaming would probably have implications for children here in Australia in particular. When we think about sextortion, we know that the AFP refer to a practice called 'capping', where new CSAM is created by taking pictures or capturing content that is done through live streaming. We think that that practice, while it happens to the types of victims that we're working with in the Philippines, would also potentially affect children here who are being asked to perform and create content, which is then created and duplicated in and of itself and then distributed yet again, not through live streaming but through the capturing of what happens on live streams. So we think that a lot of our recommendations would strengthen our protection framework for children not only internationally but also here.

Ms TEMPLEMAN: Can we talk about what you perceive the industry is doing to prevent the abuse happening and what more the industry could do.

Mr Braga: The evidence from the eSafety commissioner's transparency notices has shown that industry is being very inconsistent in its approach to live-streamed abuse in particular and the blocking of that type of harm, so we think that's where much stronger action needs to be taken. We believe they could put in place, particularly using AI with machine learning capability, the capability to block the feed before the material is generated and, if not just that, also the capability to block the material from being shown on screen at the receiving end as well. There's technology today that uses AI in that way. There are examples like SafeToNet, who have created a technology they call HarmBlock that does exactly that. That stops a device from being able to show child sexual abuse material. There's another social media platform called Yubo which has also put in place protections against child sexual abuse material being shown through their platform. I raise those as examples of what is technically possible.

We're talking about some of the most sophisticated technology companies on the planet. It shouldn't be beyond the realms of possibility for them to also put in place these types of controls and increasingly improve it, using the

AI capability to increase the level of precision around detection and blocking it. In our view, this could operate like an X-ray machine at an airport, so it happens in real time on the device, detects the material and blocks it, stopping it from being shown. It doesn't need to go any further than that. We're not advocating, for example, a notification to authorities or law enforcement; we just want the material blocked. If we can block the material, to Ms McKenzie's point before, that would protect children now and stop this easy access that perpetrators have to this crime. If we can make it harder for perpetrators to get to young children in this way, that's the outcome we're trying to secure.

Ms TEMPLEMAN: Clearly, the incentives for the social media companies are not enough to prevent this absolutely horrific activity taking place. The government is currently reviewing the Online Safety Act, so what would you recommend be included in that act to get us to where we need to be?

Mr Braga: We think the Online Safety Act, at its time, was revolutionary and a really good step forward. Now, under the review, we're obviously looking to strengthen and improve it. We would like to see a legal duty of care obligated on technology companies; in this context, we're talking about social media companies. As recommended in our submission on that act, we would like to see that widened to include device manufacturers, for example, and operating system providers. If they were obligated to have a legal duty of care to consider the risk of child abuse on their platforms, that would move the onus onto them to ensure that their products have been designed with that protection in mind. As an example, that could mean that they are obliged to perform a child safety risk assessment. It's not hard to see that, if some of these companies performed that assessment—there's already so much evidence of this harm—they would then have to consider what they were going to do to protect children from this harm as part of their obligations under the act. If that legal duty of care were incorporated into the act, that would strengthen our posture around increasing the legal nexus to bring them to that action.

That then also needs to go with appropriate penalties. The penalties—again, at the time—were revolutionary, but it's time to move them even further. This is a global crime, and we need a global response. The UK have recently put in place a maximum penalty of 10 per cent of turnover. It would seem to make sense to us that like-minded countries such as Australia harmonise and go to a similar penalty regime as countries like the UK. We would love to see that legal duty of care and increased penalties. If you combine that with what I've already mentioned about the fact that the technology exists, they can do this.

Ms TEMPLEMAN: The UK and the EU, I understand, have brought in or moved towards a duty-of-care model. You've given an example of the penalties in the UK. I understand it's quite early days, but are there any benefits already obvious from that duty-of-care model in those jurisdictions?

Ms Wong: I think it's a little bit early to tell, but we could take that on notice and provide an example of where it has been effective from what we've seen so far.

Ms TEMPLEMAN: Thank you.

Ms Wong: I think, also, because the UK act is periodically coming into effect with different codes et cetera, it's proven difficult to know the effect as yet. But we'll take it on notice and definitely provide some examples of good case studies.

Ms TEMPLEMAN: What kind of harms do you think need to be covered by duty of care? How would that be defined?

Mr Braga: I think we could define that through harm to children. We could call out this particular crime of sexual abuse but framing it through harm to children might achieve a wider reach, as we were talking about earlier, that could pick up other harms as well.

Ms TEMPLEMAN: Thank you.

CHAIR: I'm going to give the call to Mr Wallace.

Mr WALLACE: Thank you very much for your attendance this afternoon and for your very chilling evidence. Some of the questions I had planned to ask have already been asked quite well by Ms Templeman, so I will go onto a different tangent. You cite the Australian Institute of Criminology's research which named Skype, Messenger and WhatsApp as platforms that offenders in Australia and the UK have been using to live stream child sexual abuse and exploitation. How well do you think Microsoft and Meta have responded to this issue?

Mr Braga: I think the evidence shown to the eSafety Commissioner through the transparency notices shows that it's very inconsistent in terms of their response. They have the ability, in some of their tools, to do this, but they haven't deployed it holistically across their platforms. So, I think there's an opportunity for them to be doing much more in this space.

Mr WALLACE: So, you're satisfied that they have the technology to be able to do it, and do it efficiently and effectively, but they're just not deploying it.

Mr Braga: I think that's a fair comment.

Mr WALLACE: You highlighted research which shows that Australia continues to drive demand among the top three contributors to the financing of online child sexual exploitation and abuse. From an evidentiary perspective, how did you get to that position?

Mr Braga: That's come from data from the Philippines Anti-Money Laundering Council. They did an analysis from the transaction level—they worked backwards—and found that the majority of their transactions came from the US then the UK. Australia was No. 3. That's where that data has come from. The other information that we have that shows that there's a challenge for Australia comes from the Australian Institute of Criminology. One of their studies in 2020 showed that 256 Australians had spent \$1.3 million over a 13-year period to access child abuse material from the Philippines. The research that we've got shows that this is a significant problem from Australia.

Mr WALLACE: To clarify, \$1.3 million—that's with an M?

Mr Braga: That's right—million with an M. That's Australian dollars.

Mr WALLACE: Why do you think Australian demand for child sexual abuse material continues to remain so high? What do you think is driving demand—in addition to hard core pornography, which you outlined in your submission?

Mr Braga: I don't think that we've formed a view at this time as to what's going on that's driving the demand. All we can do is observe that it exists. We're trying to take action to close it down. We believe that strong action from the AFP that does exist helps achieve that. When people are arrested and convicted of this crime, the sentences that they are given are meaningful. So, that's a good step to reduce the impunity of people who believe they can get away with this.

Mr WALLACE: When the coalition were in government, we were introducing changes that stopped people once government or Home Affairs became aware of an alleged perpetrator travelling overseas to partake in actual child sexual abuse rather than the online stuff. Have you been tracking that at all—real-world child sexual abuse—or are you pretty much just concentrating on the online world?

Mr Braga: We have taken strong action on the commercial sexual exploitation of children as well. We have acted in countries like Cambodia and the Philippines to reduce the prevalence of that crime in those countries. In locations where we have acted, like Cebu, we've been able to show through externally measured research that we have reduced the prevalence of those crimes by over 80 per cent. We see that as having a continued need for focus.

Mr WALLACE: When you say you have identified there's been a reduction of 80 per cent, is that as a result of stopping people at the Australian border before they travel? Is that what you mean?

Mr Braga: No, not necessarily. It's holistic. When we are acting in countries like this, we are taking a holistic approach to that justice system. So it is law enforcement but it is also the capability of the court process in putting in place appropriate after-care for survivors. The combination of all of that and as the justice system improves in these countries leaves the local communities to take ownership of that for themselves and also then see it as a self-sustaining drive where that crime is no longer accepted locally. So it's not only an Australian action; it's a local action in these countries.

Ms Wong: Just to add to Mr Braga's comments there, perhaps an example from some of the case work we did in the Philippines would be helpful and show where the connection to our work and the AFP here in stopping offenders is relevant. Our particular organisation works very specifically with Philippines law enforcement at the Philippines National Police through a coordination centre, very similar to the ACCCE, that's based in the Philippines. We support the capacity of law enforcement there to coordinate all the reports they are receiving internationally for those offenders and to make that link between local children being affected and exploited in the Philippines and any potential overseas offenders, such as Australian offenders who are not only ordering the livestream shows but potentially may travel to commit that abuse in person. Some of the recent research from the Australian Institute of Criminology suggested there is a psychological connection between the two—that not just viewing but directing livestream shows actually creates a bit of a breakdown in that psychological threshold that someone might have from a very remote position of viewing to actually directing and being involved and that the next step to contact offending is much easier because they are closer to the action. It's like you are in the room and committing the offence. A number of offenders they were following took proactive steps after being exposed to

and directing livestream shows to travel overseas and commit that offence in person to those children that they were livestreaming.

All in all, what we're trying to do is support the identification of those pieces and send that intelligence over to the AFP to process so that the border response in terms of stopping Australian offenders going over and doing more contact offending is stronger. We think that collaboration across borders needs to be very, very strong. Something like the ACCCE or the PICACC—its equivalent in the Philippines—is a good model that should be implemented across countries where you've got higher income and well-developed economies and who are ordering this sort of exploitation from lower income, developing countries, if that makes sense.

Mr WALLACE: It does. Where I'm going with these questions is to try to identify whether there's been any tracking of the success of stopping, in the very large part, Australian men from travelling overseas to countries like the Philippines to commit these offences. If that program or those laws are working well, are we sort of playing Whac-A-Mole where, instead of them going over, we're seeing a rise in the online stuff? Do you understand what I mean?

Mr Braga: The numbers hold that out as a possible thesis, so that might be what's happening. We still know that there's a lot of Australian demand, and we can see how much harm is happening in a country like the Philippines. I do want to say it's not only the Philippines. We've done a lot of work there, so a lot of our data is based on that, but it's not only the Philippines.

To the point I made before, if we can reduce the pipeline of activity through social media—that's now the current place this harm is occurring, and we need to stop it from occurring there as easily as it currently is. It's got to be as simple as that. It may go somewhere else again, but let's at least stop it where it is happening today.

Mr WALLACE: But have we seen an appreciable reduction in the number of offences or the amount of offending in person as a result of these laws? Have we seen that? That's the first question.

Mr Braga: I don't think we've got data on that. We'd have to take that on notice. We don't have data on it.

Ms Wong: Potentially the AFP would. I also note that we've had conversations with the AFP about how you track that prevalence of data and that drop in cases. What is very difficult in the international context is to be able to put all the pieces together; note what's happening on both ends—for the offender here in Australia and also the offender in the Philippines—bring that information together; and then compare it historically with the level of data that we have, given the low level of reporting that was done previously, even before COVID. I think that we've got a big job there, and I do think prevalence studies, like the one we did in the Philippines to try and get a hold on how big the elephant is, so to speak, are good ways of understanding a little bit about how big a dent we're actually making, either through law enforcement responses or through our regulation of social media companies, for example, on the issue as a whole.

Mr WALLACE: Chair, I'm just conscious of the time. I've got a few more other questions.

CHAIR: I can come back to you again if there's a bit more time, and of course we all have that option of putting some questions on notice. I'll just ask a few and then I'll hand back if Mr Wallace would like some more time.

There was a second part in your opening statement that you wanted to draw our attention to. There was the live streaming and the horrific evidence that you put before the committee there about the sexual exploitation of children, but there was also the issue of forced scamming. We've had some evidence in a very different context around scamming and potential profiting of social media platforms through allegedly ill-gotten gains. Yours is a different kind of circumstance, and I wouldn't mind getting something on record. Could you step us through the harms from that forced scamming and, ideally, how you think we might better manage those that are there but also prevent forced scamming in the future.

Senator HANSON-YOUNG: Chair, are you talking about the scamming factories?

CHAIR: Yes.

Mr Braga: That's exactly right. Thank you for the clarification.

CHAIR: We'll get that on record now, because it's a slightly different kind of scamming to the ones we've dealt with.

Mr Braga: What we've seen, particularly on the back of COVID, is that a lot of what were online gaming operations around the region have morphed now into scamming activity. As they've done that, they've needed to secure labour and workers to conduct that work, and the way they've done that is particularly through putting fraudulent ads onto social media to attract workers. I met with a survivor in Thailand who had applied for what looked like a legitimate, good job. This one was in the Philippines. He was out of work from COVID and applied

for the job. They made it difficult to secure the job. They create that psychological leaning in—interview processes, needing to show how fast you can type and the like. These ads are all over social media, unfortunately. We've worked with over 400 survivors of this activity, and all of them have a very similar story about how they were lured into it once they'd responded to the ad.

The ads are deliberately provocative to try to secure migrant workers—workers from another country—to come across. Part of the offer you get from the supposed company that's offering you the job is that they will pay for your travel to the location country. You don't know the environment, and so they'll meet you at the airport. They meet you at the airport and put you in a van, and, basically, you're captive from that point. Often you'll be driven straight into a compound. Your passport is taken; your laptop is taken. The gentleman I met with said, 'I knew as soon as it happened that I'd been caught.' He says, 'I don't want to do this,' and their response is, 'You can leave any time you like but you now have to repay us the amount that we've invested in getting you over here.' And of course that's impossible. They're in a bonded labour situation where the amount of money they supposedly earn is used to pay for their accommodation and food, and they're trapped in these compounds.

The evidence that we can share comes from the United Nations Office of the High Commissioner for Human Rights. In 2023 they estimated that there were 220,000 people in Cambodia and Myanmar in these types of compounds. And the US Institute of Peace estimates that there are a further 85,000 in Laos. So we're talking about over 300,000 people in our region who have been caught by fraudulent activity into participating in this crime. I'm not saying all of those individuals are being forced into that criminality, but we need to assume that the vast majority have been, and are being, held there against their will and forced, through physical coercion and, often, brutal violence, into continuing to perpetrate these crimes. Again, the survivor I met with had seen other members of the group doing this work who were being—

Ms Wong: Tasered?

Mr Braga: I was going to say tasered—with the electric baton being used against them when they failed to abide by the rules et cetera. That's what we're talking about.

In terms of what we can do about it, we think that the social media companies, again, are not doing enough. This is a known behaviour pattern that is endemic. These ads are coming out all the time, and we haven't even talked yet about the harm to Australians caused by the scams that are being perpetrated, which is just as horrific. And so we believe that social media companies need, again, to be held to account to take down this activity sooner. Whether it's the ads, which they need to identify and take down faster, or the fake profiles that get created, these need to be taken down much sooner. We also think that the social media companies could be doing a lot more to proactively warn their users and the users of the platform about this type of activity. The one request of the gentleman I met was that social media companies do more to avoid this fake activity being exposed through their platform. This is the chance that we have to take that action.

CHAIR: It's no small business, I think. Your submission also refers to some of the evidence from the United States Institute of Peace estimating that worldwide the amount of funds stolen as at the end of 2023 was in the order of 96 billion—that's 'b' for beta—Australian dollars. So, as well as the vast numbers of people that you have put on the record, there is also a pretty significant sum of money that's allegedly been stolen. I think in Cambodia alone it was worth half the country's formal GDP. So could you now take us to the next part of the issue, around scamming.

You've addressed the recruitment of a forced labour force and the large-scale operations that are taking place, but the second part of your submission was around facilitating scams by using platforms to identify targets, gaining their trust and then obviously ripping people off enormously. I think you used the term 'pig butchering', which you may want to explain to people. I know that Ms Templeman has a follow-up question, but if you could take us through the next part of your concerns around scamming that would be helpful.

Mr Braga: Once people are captured into these scam compounds, the work they're then put to is to lure victims in. I'll just talk about Australian victims, but it obviously happens around the world as well. The way they do that is through producing a wide range of fake profiles, particularly through social media companies. We need to remember that these people are working 16 or 18 hours a day to deliberately lure you in. When people fall victim to these crimes, we should have a lot of empathy for the people who have fallen victim, because they've got people on the other side whose job it is to try and achieve that sense of social protection that they want to participate with. Those profiles are getting created on all types of social media around all the platforms. We have examples of survivors talking about creating Facebook accounts, Instagram accounts, Twitter accounts, LinkedIn accounts, so there is a wide range of social media that's being used to create an ecosystem that lures you in. Again, if I just reference the gentleman who I met with, he said he was there to create whatever would attract you. So that's what they're trying to facilitate there.

The type of scam then varies. A lot of what we've seen is anecdotally called the 'romance scam' or that 'pig butchering'. The idea of pig butchering is finding someone who is wealthy, luring them in and then finding ways of getting them to make a payment to you. The crime type that we've seen a lot of is a pivot out of that sort of attraction/romance-style situation to a 'I'm so wealthy; let me tell you how I made my wealth' and then pivoting the victim into a crypto-environment and a crypto-investment scheme which literally does not exist. Then the plan is to get you to put your money into it. They might let you look like you're winning for a period of time—they might even let you take some money out—because at that point what they're trying to do is get you to that point of psychological safety where you go and invite your friends and your network to join in this new money-making scheme that you've found. When they get to a sufficiently high threshold of people that they've secured, they then just shut it all down and disappear, and there's no sign of it and all the money has gone. That's a very common type that we've seen.

CHAIR: I'll end with this one. A lot of people have asked for greater transparency in the platforms to address some of the issues you have described, and that's often about openly sharing information and processes. It seems unlikely that opening up the magic of algorithms, for example, will be intelligible to all Australians or all the people that you're working with, so I'm interested in whether you've given any thought as to the kind of transparency that you would like to see, that you think might be most useful in this context.

Mr Braga: We haven't considered what transparency we would like to see. We think the onus needs to be on the technology companies to create a product that is safe to use from the get-go. Some of these crimes they have obvious guardrails and protections against. Putting the onus on all of us to understand their algorithms—I think that's a little bit unreasonable. This is their business.

CHAIR: Ms Templeman.

Ms TEMPLEMAN: I'm reflecting on evidence that Meta gave us when I was asking about scams. One aspect of it was that the scam didn't actually happen on, say, Facebook—it got taken to another communication channel and so they separated that. What's your thinking about how much a part of the scam their platform is, even though the transaction takes place at a different point?

Mr Braga: That is what we see as well—a lot of that pivoting of people across multiple platforms—but the basic scenario still remains: they could have a lot more activity to warn people of this. For example, they could identify conversations that are potentially problematic, so the end user in Australia gets a signal: 'This conversation has a high likelihood of being a scamming conversation.' There's a range of possibilities you could see where they could still be taking action within their platform to identify this, before it pivots to another platform.

Ms TEMPLEMAN: On the Bligh Park Community page, if there's something that looks like a scam, you'll get people commenting, 'Hey, don't do this; this looks like a scam,' when someone wants to sell you a whole lot of whitegoods or whatever, so normal human beings can find it. You're suggesting that, technically, it would be within their capacity as an organisation to do that identification at an earlier stage?

Mr Braga: It seems reasonable to take that position. Again, we're talking about the largest technology companies on the planet. It seems reasonable to expect them to find solutions and put them in place for us.

CHAIR: Mr Wallace.

Mr WALLACE: You highlighted the Philippines as a source country for child sexual abuse material and exploitation for Australian men. Have you noticed any patterns or trends in relation to growth or decline with other source nations?

Mr Braga: Yes, we have. There are other source nations that we've seen this in—for example, Romania, Ghana, Thailand and Colombia. Unfortunately, it's a crime that is global in reach. I can't comment on whether it's increasing or decreasing in all of those locations, but we have seen it in other countries as well.

Mr WALLACE: It's not on your radar as to whether it's in decline or growth?

Mr Braga: That's right.

Mr WALLACE: In Australia?

Ms Wong: Sorry, Mr Wallace—I'd just like to add to Mr Braga's response there. What is difficult is that we know that the reporting is going up. I think the eSafety Commissioner, the AFP and NCMEC have all reported increases of 20 to 40 per cent, year by year, in reports of child exploitation and child abuse material. What's not clear to us is why that's happening. Is it that the numbers are growing, or is it that the awareness of this as a crime is growing and people are reporting more of it? There's also greater regulation of tech companies in requiring

them to report this, which is growing in the UK, the EU, here et cetera. That is one point of clarification that we're not clear on.

Mr WALLACE: Mr Braga, earlier in your evidence you said that you weren't looking for notification to law enforcement. Why aren't you? Why would you not do that? Why wouldn't we do that? Why wouldn't we want to see that?

Mr Braga: Thank you for drawing that out. My intention was that that was a comment about linking the AI, for example, straight through to notification for law enforcement. I think that at the moment the AI tools are still developing and improving in their ability to identify this harm, so it's likely that there will be a number of false positives. So it doesn't yet look reasonable to go to that step of notification. I think that, where an investigation is performed into a feed to identify it—similar to our working with children regime in Australia, where you have mandatory reporters—it would seem perfectly reasonable that, if a person had seen that this was definitely child abuse material, to have that as a report would be obvious. Apologies. My intention was that it's not linking the AI straight through to reporting at this time.

Mr WALLACE: It's a complex question, isn't it? The former Australian government outlawed the importation of child sex dummies, if I can put it that way, and there was some debate—I don't subscribe to this—around whether that was almost a victimless crime. This is somewhat similar, isn't it? If it's AI generated child sexual exploitation, there would be some who would say, 'Well, that's a victimless crime.' Am I to understand that your position relates to where there is exploitation of an AI generated child but there is no human victim?

Mr Braga: I understand your point. The problem I have with that is: where did the AI get the ability to generate that image? We need to remember that AI generation is based off a database of previous content that allows it to know what you mean by that guidance and to generate that image. So my question would be: how is that even possible without feeding it or fuelling it from previously generated child sexual abuse material? That can't be acceptable.

Mr WALLACE: For completeness, I totally reject that concept that it is a victimless crime. It's just abhorrent.

Ms Wong: If I could just add to Mr Braga's comment on that, we also note that law enforcement have told us consistently that there being more AI generated sexual abuse material or sexual exploitation material actually makes it really difficult for them to discern who are the true victims—children who actually exist and whom they can go after, versus AI generated children. Even in the state that they're in now, they're being overwhelmed by reports and being overwhelmed by AI generated reports as well. Having to distinguish between those makes their caseload so much harder to fulfil in terms of rescuing actual victims. So we do agree with your point in a sense.

Mr Braga: I would also just go back to the challenge that we described before: being exposed to this increases the likelihood of other perpetration.

Mr WALLACE: You have to be so careful in the language you use in this stuff, but is the quality of the reproduction of this AI content at a level where you would look at it and say, 'Well, that's not real,' or is it indistinguishable?

Mr Braga: I don't know.

Ms Wong: My understanding is that it's pretty indistinguishable, but I suppose it would depend on which particular device or platform is being used to generate it.

Mr WALLACE: I imagine that technology's getting better every day, isn't it?

Ms Wong: Yes, absolutely. But we could also take that on notice if you'd like us to look into it a bit more.

Mr WALLACE: Yes, okay. Thank you.

CHAIR: I just have one question that's been running through my mind as I listen to your evidence: is there any interface at all with the existing modern slavery acts, whether in the UK or in Australia? Can you explain it to me, because it is my understanding that that usually covers a range of practices including forced labour, human trafficking, child labour and some exploitation of kids too. Is it just that these social media ads and the way in which social media platforms are used—are they escaping entirely that kind of net? Is there an interface at all? If we do a duty of care, how does that interface with the Modern Slavery Act?

Mr Braga: It's a really interesting thought, because we would obviously say that all the crimes we've been talking about are a form of modern slavery. When you look at the definition of slavery, it's deception, abusive working and living conditions, debt bondage, intimidation, physical violence and restriction of movement. The crimes we're talking about, both OSEC and forced scamming, have elements of that, so they meet the threshold of being considered as modern slavery. The nexus to the Modern Slavery Act is, where companies are obliged to report under that, they then need to consider, through their supply chain, where they may have exposure to this.

It's a really interesting line of thinking to say: Could there be additional strengthening of the Modern Slavery Act that would also come into play here? What could that look like to technology companies in terms of facilitation?

CHAIR: You're not aware of, say, Meta—it could be anybody, frankly—being named through a supply chain investigation?

Mr Braga: No.

Ms Wong: It is an excellent question, but I don't think I've seen anything in any of the modern slavery statements that we've published so far on our register that addresses, for example, child exploitation through the facilitation of their platforms and services, as opposed to their supply chains. We have to remember that the Modern Slavery Act is still currently a scheme that doesn't have any penalties; it's a transparency-reporting requirement. So it suffers from basically the same problem that the Online Safety Act does in some ways, but the Online Safety Act has more teeth than the Modern Slavery Act at the moment, because there are no penalties if you don't do anything necessarily to address those risks.

CHAIR: Thank you for sharing that. I'll try and find out a bit more myself as well. Thank you both for your evidence this afternoon. I really appreciate the time you've taken to give us your very unique perspective from the International Justice Mission. If you were asked to provide any responses to questions on notice or any additional material, could you have it to the secretariat by Monday 14 October. We'd be deeply grateful.

Mr Braga: Thank you for the opportunity to meet with you this afternoon—and all the best as you continue your work.

Ms Wong: Thank you so much.

NEWNHAM, Mr Jordan, Executive Director, Corporate Affairs, Brand and Policy, CyberCX

PRZYBYLSKI, Professor Andrew, Professor of Human Behaviour and Technology, Oxford Internet Institute, University of Oxford [by video link]

[15:32]

CHAIR: I want to thank the representative from CyberCX. I understand you've been given information already around parliamentary privilege and the protection of witnesses that give evidence to a joint committee such as this. For the record, Mr Newnham's confirming that. A witness from Oxford Internet Institute, based at the University of Oxford, could join us online. If all goes well, we'll segue across to include them in the conversation. Mr Newnham, I invite you to make an opening statement, and then I'll move to questions from the committee.

Mr Newnham: Thank you Chair, Deputy Chair and members for the opportunity to appear before you today. CyberCX is Australia's largest provider of professional cybersecurity and cloud services, with a workforce now of around 1,400 people. We provide advice and services to a broad range of organisations across government and industry, helping our customers manage cyber-risk, respond to cyber incidents and build resilience in an increasingly complex and challenging threat environment. Our experts regularly conduct research and provide advice to clients on issues relevant to this committee's work which can be broadly summarised as the ways in which malicious actors use and abuse social media platforms for the purpose of financial gain, such as scams, or to achieve broader strategic objectives, such as disinformation campaigns.

In August of this year, CyberCX released a report identifying at least 5,000 inauthentic accounts on the social media platform X, formerly known as Twitter, which are almost certainly controlled in concert by an artificial intelligence large language model system based in China. This network, which we have dubbed the 'Green Cicada network', primarily engages with divisive US political issues and may plausibly be used to interfere in the upcoming presidential election. It has also amplified hot-button political issues in other democracies, including Australia. The Green Cicada network is one of the largest networks of inauthentic activity publicly exposed to date and may be the first significant China related information operation to use generative AI as a core element of its operations. Our primary purpose in publishing this research has been to expose this network before it creates harm. Since we've published the research, we've observed a number of the inauthentic accounts becoming deactivated. It is unclear whether this was due to action taken by X or by the operator of the Green Cicada network.

This example, among others that have been publicly reported, indicates a broad lack of intent or ability from social media companies to proactively identify and take action against inauthentic and malicious activity on their platforms. Australia and other Western democracies currently face an incredibly challenging set of issues at the convergence of new social media platforms, emboldened malicious threat actors and emerging technologies such as generative AI. In this context, the work of this committee is critically important for deepening government understanding of these issues and finding ways to improve the safety and security of all Australians. I look forward to your questions.

CHAIR: Thanks, Mr Newnham.

Ms TEMPLEMAN: I can't go beyond the Green Cicada network. I'll just ask a bit more about that. I've read some of the reporting on it. Can you just talk me through how you actually found it. I want to get some of the history of it.

Mr Newnham: I might begin by just prefacing the answer to that question by saying that it's a lot harder now to identify these types of accounts from the outside looking in. Once upon a time Twitter probably had best practice in terms of an open API for researchers and others to access data from the platform to perform this sort of research. Since its change of ownership and rebranding, one of the things that has fallen by the wayside is that API, which is now closed. X, formerly Twitter, is not unique in that regard. Just in the last couple of weeks, Meta has shut down a service called CrowdTangle, which was a transparency tool used by journalists and researchers to monitor disinformation and other sorts of inauthentic or malicious activity across Meta's platforms. They have some talking points around an alternative research library they have made available, but the jury would be out on that one. I would couch it in those terms. So it's not easy to discover this, but I'm happy to unpack how we identified what we call the Green Cicada network. I think it's illustrative of the tip-of-the-iceberg analogy in this regard. If we were able to find this with limited resources and visibility in a fairly non-transparent social media platform, one shudders to think what's actually going on under the hood.

Firstly, we dubbed it the Green Cicada network—'green' being that it's new and emerging and 'cicada' indicating the nature of the network being that the vast majority of its capability lies dormant, much like the

incubation period of a cicada. But the activity from that network has been ramping up towards a trajectory of, let's say, early November, for argument's sake.

Perhaps it's also worth prefacing here that there is no commercial interest for CyberCX. We weren't paid to do this research. There is no commercial incentive for us to do this type of research. One of our very talented analysts stumbled upon this by doing some research in his spare time and discovered that at some point in May of this year a large cohort of accounts on X all began tweeting in unison in very similar language, seemingly making mistakes in syntax. Our analysis is that it was the early use of this network to test a large language model that was failing. It was basically tweeting things that didn't make sense. It was occasionally tweeting things in Chinese characters. It was tweeting things that said words to the effect of 'I'm sorry, I can't provide an answer to that because it's in violation of Chinese Communist Party guidelines'. As our analyst monitored that cohort and began to stitch together a broader network of these accounts—as we said, there are at least 5,000 accounts in this network—we noticed a maturation and improvement of the output from these accounts.

Senator HANSON-YOUNG: So it was learning.

Mr Newnham: It was learning. Our prerogative in publishing the research was to try and interrupt this network in a phase that we would describe as developmental.

Ms TEMPLEMAN: For you, what are the implications of what you found?

Mr Newnham: This is just based on what's been publicly reported by researchers and other firms worldwide. This is the first we are aware of that's been publicly reported—where it's clearly the use of a large language model and generative AI to not just create content but coordinate inauthentic activity. These accounts were largely interacting with US based politically divisive accounts on both sides of the political spectrum, including Elon Musk, Kamala Harris and a whole bunch of others. It wasn't choosing sides; our assessment would be it was seeking to further polarise the already quite objectively polarised political discourse in the US. These accounts were given generated personas and would tweet with giveaway or telltale-sign language to the effect of 'As a European man who follows Republican Party politics, I think blah, blah, blah'. So the generative AI aspect of these accounts was seeking to add comments and repost content to fuel the fire, so to speak, of political discourse on both the right and the left of politics.

The vast majority of that activity was US based and US centric. Therefore, our estimation was that these accounts and this network were becoming increasingly active in the lead-up to the US election in an attempt to—just based on public reporting, this is the first time we've seen an information operation type campaign of this nature from a Chinese based entity. This is a historically Russian type playbook, to drive a wedge into social discourse through social media; we saw that play out to large effect during the 2016 US presidential election campaign. Historically, other Chinese based large information operation campaigns have tended to just promote and propagate Chinese based narratives and propaganda, typically in an ineffective and clumsy way. However, this is a change of tactics.

Ms TEMPLEMAN: Your assessment was it was targeted at the US, but were those posts also finding their way into the Australian population?

Mr Newnham: Correct. The vast majority of the capability of this network was clearly targeting the US. However, there were—and this was through a very limited aperture that we were able to look through, but based on that we could see experimental type campaigns based in the Australian political discourse as well as in the UK and other jurisdictions.

Senator HANSON-YOUNG: That you think were linked to the same network.

Mr Newnham: The same group of accounts. So the same playbook: choosing posts that were already attracting a lot of engagement and outrage, and reposting them with an additional comment—

Senator HANSON-YOUNG: Giving them traction.

Mr Newnham: Correct—increasing traction.

Ms TEMPLEMAN: In terms of the response by X—anything?

Mr Newnham: We have discovered there's no way to report this type of activity or content to X other than filling out 5,000 different reports on the individual accounts. In the interests of time and seeking to have some effect in this instance—given that, as has been widely publicly reported, X no longer has a public policy function or anyone to contact to talk about large issues like this—we sought to shine a light on it through media both here in Australia and overseas and by reporting it to relevant government departments like the Department of Home Affairs and the Counter Foreign Interference Taskforce and various departments and agencies in the intelligence community, and also through counterparts in the US. It's sort of 'spray and pray' in that regard; no-one had a silver

bullet or—at least they didn't advise us of this—an ability to communicate with X directly to try and get the content taken down at scale. However, as I said in my opening statement, we have noticed anecdotally, since we published the report, made those briefings to government agencies both here and overseas and did some media on this topic, that a large number of those accounts have been deactivated.

Ms TEMPLEMAN: Can I just clarify: not a single contact from X to your group to seek information or insight into it?

Mr Newnham: Correct.

Ms TEMPLEMAN: Was that surprising to you?

Mr Newnham: It wasn't surprising to me personally or to CyberCX, given we are sitting on the outside in the private industry and had this research we didn't quite know what to do with to try and effect some kind of interruption of this operation. It was a bit more surprising, if not disappointing, to learn that whether it's in Australia or the US—which is the home headquarters of X—no organ of government we spoke to seems to have an inside track or ability to communicate with anyone at the platform to take action on this activity.

Ms TEMPLEMAN: In terms of the network, do you think the core of it is still intact? You mentioned some accounts have disappeared.

Mr Newnham: The accounts we're aware of are the ones that were posting and doing activity. Through network analysis, we were able to identify thousands of other accounts that hadn't posted yet that were part of the network. They were accounts that were created 12 months ago or longer. The older an account is, the algorithm of that platform will give it a higher rating and determine that it's probably not inauthentic in an automated audit sense because the account has aged and matured over a certain period of time. Our assessment was that the vast bulk of accounts that were dormant—hence the cicada reference—hadn't been activated yet. Having said all that, we're limited in the aperture through which we're able to view the potential full extent of this network or other networks. In the most obvious sense, with the accounts that we are able to visibly track that have since been deactivated, it's, for all we know, the tip of the iceberg and we can't see the rest of them.

Senator HANSON-YOUNG: I have a follow-up on this particular topic. Have you had a look at the government's recently introduced mis and disinformation bill? I'm just wondering how that would play into something like—you've provided a real-life example of orchestrated mis and disinformation at mass scale. Does this law touch on that at all?

Mr Newnham: I haven't looked at the bill in detail, so I will have to take that on notice in terms of providing an assessment. I make the distinction that, as I'm sure you're aware, there is a difference between misinformation and disinformation. From our research perspective, this is clearly disinformation.

Senator HANSON-YOUNG: Deliberate?

Mr Newnham: Deliberate; correct. I will take that on notice. I am happy to provide comments as a follow-up to whether or not the bill in its current proposed form touches on an ability to do something about this. There clearly is no carrot or stick for the social media platforms to do anything about this campaign.

Senator HANSON-YOUNG: Just as an aside, so you don't have to do the work twice: the Senate Environment and Communications Legislation Committee are currently reviewing that piece of legislation. If you were to provide a submission to them, they could take that on notice. We've got our first hearing next week.

Mr Newnham: It's my understanding that submissions for that closed today, so we might not make that—

Senator HANSON-YOUNG: I'm sure we can extend it for you.

Mr Newnham: Okay. Good to know. That makes sense.

Senator HANSON-YOUNG: As the deputy chair of that committee, I'll say I'm sure we can extend it for you.

CHAIR: Favouritism galore! It's not at all uncommon for committees to take late submissions.

Senator HANSON-YOUNG: We'd prefer to have the evidence than not.

Mr Newnham: Understood.

CHAIR: There's a bit of homework for you. Mr Wallace.

Mr WALLACE: Thanks for your evidence today. Do you think that social media companies should owe users, participants, partners and content creators a duty of care?

Mr Newnham: If I can pivot off that slightly, I'll say that I do think that these companies should have a social licence and that there should be parameters around how they're proving that social licence operates, given the power that they have at their fingertips in the platform that they provide. That is clearly being misused and abused

by a broad range of malicious actors that are also finding novel ways to use emerging technologies like generative AI. I feel somewhat unable to give an answer to your question unless we qualify what you maybe mean by 'duty of care'.

Mr WALLACE: Okay. It's probably an unfair question on my part. I'm assuming you're not a lawyer, right?

Mr Newnham: Correct.

Mr WALLACE: Okay. That's fine. Going back to your really interesting evidence about the Green Cicada Network, that was a name that was coined by CyberCX, right?

Mr Newnham: Correct.

Mr WALLACE: That was operating from May of this year?

Mr Newnham: Actively—that's the first time we could see the accounts beginning to post on X. However, some of those accounts are older than that, so they're obviously the prework prior to the accounts becoming operational. That involved setting up some accounts as early as 2023.

Mr WALLACE: I may have missed it, and I apologise if I did, but did you say specifically what those posts were targeting? Were they targeting the US presidential election or something else?

Mr Newnham: The vast majority of the operations were targeting the political discourse in the US, particularly in the lead-up to the presidential election, without choosing sides—without favouring Democrats over Republicans or anything else. It was just piggybacking off anything that was going viral or any content, pro Democrat or pro Republican, that was getting traction on the platform, stoking outrage et cetera. It was reposting that type of content and adding its own posts and narrative to that through the voices of these generated personas that sought to show themselves as being maybe based in Australia. Basically, these accounts claimed to be based in every country in the world except China and to be deeply interested in US politics, and were commenting on it and reposting the most viral and outrageous content. However, there were clearly small campaigns targeting or experimenting with narratives in Australia, the UK and other democracies.

Mr WALLACE: Let me unpack that a little bit. When you say there were smaller campaigns targeting other countries, one of which was Australia, in what way were they targeting Australia specifically?

Mr Newnham: They were following a similar playbook, piggybacking off content or issues that were stoking or creating a high degree of engagement on the platform—so, clearly, the generative AI element of the large language model. And we saw this in some of the syntax errors and malfunctions of the network, where it was calling out to enable other functions from third-party-type other software and platforms that it would use, whether it was searching Google for something, monitoring news or looking to figure out what to post about next.

In Australia, as a specific example, when the CFMEU was causing a lot of controversy because it was being reported that there was alleged corruption in that organisation, it was piggybacking off that narrative on X and reposting things either defending the CFMEU or denigrating the CFMEU.

Mr WALLACE: Do you think that the campaigns in Australia are targeted at a specific thing, like in the example you gave around the CFMEU? Do you think that targeting is done by a human being or is AI able to look at whatever might be creating a lot of chatter in the Twittersphere—if I can still call it that—about the CFMEU today or something entirely different tomorrow, like the misinformation and disinformation bill or whatever it might be, and has the ability to leap from subject to subject without the direction of a human being? It's getting quite spooky, isn't it?

Mr Newnham: Unfortunately, it's our assessment that its most likely the latter of what you've just described.

Mr WALLACE: Wow—is that right?

Mr Newnham: Given the agility of the accounts to pivot to emerging issues and the scale at which they're able to post or repost content, it's highly unlikely that there's a large enough human capability behind these accounts to be giving that any specific direction.

Mr WALLACE: You said you've seen some smaller scale campaigns at an Australian level. Have you seen anything on a larger scale that's trying to sow political discord in Australia?

Mr Newnham: No, not to date. Again, I'll just say we're quite limited in the architecture through which we're able to view this activity, given the opaque nature of the platform and what it makes available for research projects such as this.

CHAIR: Mr Wallace, you can grab one more question. But I understand Oxford's about to join us in five minutes, and I do want to give Ms Daniel a chance to ask a question of this witness. I'll forgo my time and hand that over to you both, so can you make this your last one please.

Mr WALLACE: I can.

CHAIR: It's just for CyberCX.

Mr WALLACE: Yes. To change the subject for a moment, can you tell us what your recent experience and research have shown about the threats posed by TikTok and ByteDance? Would you propose a blanket ban on the platform and wider company, or would you take a more nuanced approach?

Mr Newnham: We haven't commissioned any specific research on TikTok, so it'd be difficult to answer the second part of your question. However, in the last week, our chief strategy officer, Alastair MacGibbon, was publicly commenting on the debate around Chinese made and connected electric vehicles, EVs, and I think that is part of a broader conversation about technology or the Internet of Things, connected devices and so on that are not even necessarily made in China but are required to have a constant connection with mainland China in order to function and receive software updates and so on.

Insofar as we've done more research on hardware in that respect—the comments last week on EVs are one example, and internally we've done research on Chinese made surveillance CCTV cameras and the like—broadly, our view would be, if you're taking a risk based approach to the use of this sort of technology, it stands to reason that you do need to factor in the broad range of powers of compulsion or otherwise of the Chinese Communist Party over companies that are based in China, in terms of both an immediate risk of espionage, collecting of data and other surveillance operations, and potential future risks as these technologies are found to be used for other strategic objectives. For example, there's the speculation around EVs, and that debate was kicked off by the Biden administration proposing to ban the sale of EVs over time in the US. The speculation is that, in a future kinetic warfare scenario, EVs could be controlled remotely and used to achieve outcomes.

Mr WALLACE: Thank you very much for your evidence.

CHAIR: Ms Daniel.

Ms DANIEL: I doubt I'll be able to cover this off in five minutes, but I'll give it a go. I want to go to inauthentic behaviour. One of the things that the new misinformation and disinformation bill draft seeks to do is to operationalise intent, if you like, by defining inauthentic behaviour. I know that you're not a lawyer, but if we were to go down the path of a duty-of-care type model—and by that I mean 'do no harm' but also transparent risk management approaches, codes of conduct and regulation around what the platforms are required to do to manage those risks—do you think that's a pathway to capturing this kind of inauthentic behaviour and holding the platforms to account for the use of their platform to distribute this kind of material?

Mr Newnham: Based on what we've seen in the specific Green Cicada example but also, more broadly, in other publicly reported disinformation and misinformation type operations and campaigns, there's either zero incentive or insufficient incentive for these platforms to dedicate any of their own internal resources to addressing this issue. As far as policy levers or legislative instruments go, whatever can be done should be done to incentivise them one way or the other, with a carrot or a stick, to take on a greater level of accountability but also transparency so that there's a third party ability—whether it's government, independent researchers or commercial firms that have the ability to do it—to conduct research and have access to datasets and algorithms in a way that doesn't preclude the company from maintaining commercial sensitivity of IP and so on. I think that's what has been missing here and what we've seen to be clearly of benefit to the community and to other industries that have needed a ratcheting up of regulation over time. It ensures that there is a duty of care or an accountability and transparency duality to the way that companies and industries operate to ensure that the people who work or play on those platforms or in those spaces more broadly are less likely to be harmed and that, if they are harmed, there are investigations that can take place and there's accountability for ensuring that it doesn't happen again or at scale.

Ms DANIEL: To the definitions of 'misinformation' and 'disinformation', I want to place on the record the deliberate nature of disinformation but also that misinformation, which is not deliberate, can still cause harm. Particularly with this kind of algorithmic exercise, it could still be spread by an inauthentic operator to cause harm, could it not? It's a little bit problematic to go, 'Oh well, there's no accountability around misinformation,' when that can still be used as a weapon, in a way.

Mr Newnham: Sure. I appreciate that point, and I will say that, with this specific piece of research around the Green Cicada network, we've chosen to use the term 'disinformation', not 'misinformation', purely because of the clearly organised and coordinated nature of it—it's inauthentic from the outset and therefore deliberate. But I accept the fact that a lot of the material that it would have been reposting, sharing and commenting on may have been, in and of itself, a case of misinformation rather than disinformation. This Green Cicada network and others like it, particularly if they're automated, are not distinguishing between misinformation and disinformation. This

one has a clear intent to sow discord, and whatever is going to drive the most clicks and outrage in either direction is what it's looking for. It's not distinguishing between mis- and disinformation.

Ms DANIEL: Just in the interests of time, could I just get you to think forward. It seems to me that this is the leading edge of a massive problem, and we're only just having this conversation when you've already done this research and you know this is happening. What are you seeing, even in the short to medium term? With the US election coming up in November and an election in Australia next year, surely what you're talking about could easily be actively deployed.

Mr Newnham: Our assessment is that that was certainly the intent of the Green Cicada Network—to become fully operational and to attempt to undermine the democratic process around the US election. There's no evidence to the contrary, if you like. There's no evidence that either this network, with reanimated or harder-to-detect capability or capacity, or other similar networks that we just don't have visibility of are not doing likewise. Again, that lack of transparency, let alone accountability, makes it very difficult to understand to what extent social media content is driving particular narratives either to try and influence an election outcome or any other type of outcome or simply to undermine the broader faith that people have in institutions and democracy. I don't know if that answers your question.

If we rewind to look forward, there was a lot of browbeating at the start of the year about this being a huge year for democracy across the world, with most of the world's major democracies going to the polls—and even a few surprise ones like France that weren't really scheduled—and there was a sense that maybe this is the year where a lot of this capability would be tested and have potentially devastating outcomes. Apart from a few ad hoc examples—I think the election in Lithuania is the one that seems the most prominent as far as potentially swinging the election outcome in a certain direction is concerned—we haven't seen that realised. Whether that means a lot of the malicious actors who have this capability are keeping their powder dry ahead of the US election or future elections is hard to say. Again, without that visibility, we are playing a bit of a guessing game. But I think there's some consolation in the fact that some of the doomsday scenarios that were outlined at the start of the year, by various people who study democracy and technology and so on, haven't come to fruition. I think that speaks to the strength of our democratic institutions more broadly in Western democracies. I know the work that the AEC does here in Australia is very front footed and world leading when it comes to fact checking and following discourse and narratives online to make sure that they're doing everything they can to intervene or disrupt if there are instances of mis- or disinformation around democratic processes.

CHAIR: Thank you. I'm just going to interrupt. I'm sorry. It's been a terrific discussion. I know I've got questions, and others might not have been able to ask all their questions, so we will put some questions on notice. I believe that our friends from the UK are online now. I welcome a witness from the Oxford Internet Institute at the University of Oxford, joining us via videoconference. I just want to check before we go ahead whether you have received information regarding parliamentary privilege and the protection of witnesses that appear before committees. This is a joint committee of the Australian parliament. You have received all that information okay?

Prof. Przybylski: I have, yes.

CHAIR: I invite you to make a short opening statement, if you would like, and then I will invite members of the committee to ask questions. We have pretty limited time, I'm afraid. I appreciate it is seven in the morning for you and so you have given up your breakfast time to be with us. I thank you for that. We will give you the floor to speak.

Prof. Przybylski: I'm an experimental psychologist. I've been a member of the OII for 11 years. In that capacity, in addition to teaching, I have researched the effects of technology, mostly on young people, with a focus on videogames, social media and devices. The principal contribution that I make and that I made as director of research at the institute is placing an emphasis on open and robust scientific methodologies, which is to say things like open data, open analysis code and asking research questions in a way that documents the process by which you have your hypotheses and your ideas about the research before you collect or analyse your data. Within that frame, my colleagues and I have learned a great deal about how different technologies like social media might impact young people. But, more broadly, we've learned a great deal about the ways in which specific kinds of data might be needed or might need to be analysed carefully in order to draw inferences about how these technologies actually impact us, instead of, say, the heights in the positive direction or fear-mongering in the negative direction, and how there might be a bit of a gap between what you read in the newspapers and what the scientific research and data actually robustly shows.

CHAIR: Thank you. I appreciate you keeping your comments short so that we can get as many questions in as we can. I might ask a couple of questions and then I'm sure others will jump in as well. I'm wondering if you might be able to provide us just a little bit more detail on the UK's and the EU's experiences of regulating social

media platforms. We in Australia are a little bit late in coming to the party and it would be good to learn those important lessons. If you have any words of wisdom, they would be much appreciated.

Prof. Przybylski: I think in both cases you have governments trying to build the plane after it has taken off, because these platforms do move at a tremendous speed. Here in the UK the banner piece of legislation is the UK Online Safety Act. The principal focus here is to empower our telecommunications regulator, Ofcom, to identify and in some way attempt to mitigate online harms. It's broadly defined but hopefully will be more carefully defined with the help of researchers and scientists. It's a bit tough. It started out as something called the online harms act, but its definition of 'harms' really did cause some trouble because it was too broad and too ill defined. That really, on one end, meant that a lot of things that would fall in the scope of free speech and free expression on the part of companies but more importantly on the part of individual users as a scientist and a psychologist we wouldn't pathologise but, as a legal matter, could be ruled not legal where the same behaviours offline could be not acceptable. They certainly wouldn't be unlawful and might be, as a matter of taste, unacceptable. So there are increasing rounds of revisions now of the Online Safety Act, and, with the new government, many people are optimistic that the revision and the implementation of the act will be able to hold large tech companies accountable in material ways, which is to say going beyond just transparency reports and that kind of business.

In the EU it's a bit more interesting, only because there are two or three more recent regulations in place that are interacting, the first being the Digital Markets Act, DMA, which is principally related to platforms and their economic behaviour. The second one is the Digital Services Act, which is the one that researchers are most interested in, and this will possibly have to do with data flows from very large online platforms not just to users themselves but also to researchers. There's a lot of optimism that that will unlock the ability to study how people use these platforms and how those platforms might impact them. Third, there's the EU AI Act, which also needs a good deal of work because large companies can escape responsibilities that you or I might agree are required for them to act transparently in the EU.

But in the UK we're looking at the DSA, the DMA and the AI act and hopefully at having our own, better versions of them shortly, with the new government.

CHAIR: I have lots of questions, but I'm going to give it up to colleagues because we are on a deadline. We've got about 15 minutes. Mr Wallace, do you have a question? Can we try and make these as short as we can so everyone gets a turn, thanks.

Mr WALLACE: Thanks very much for your evidence. Do you accept that social media companies are using their users' data to drive advertising for their customers and clients?

Prof. Przybylski: Absolutely. I think the thing that happens, though, is that the data is used to identify sections of the user base so that other companies are able to buy ads against those demographics, whether those demographics are individual differences in where someone's coming from or differences in their online behaviour or other interests.

Mr WALLACE: Then do you accept that, through app tracking, engagement monitoring and AI sweeps of user data, this data might include patterns of harmful behaviour, like drinking to excess, eating disorders, body image issues, fast food addiction, smoking, vaping, gambling, pornography addiction and those sorts of things?

Prof. Przybylski: I don't know that any of those exist as addictions besides alcohol dependence disorder and nicotine dependence disorder. On the basis of those being 'real' addictions, they can be detected and they actually can be categories that many online platforms, such as Reddit, allow a user to opt out of. The other ones that you called addictions—I know that they're not, properly speaking, clinically recognised addictions. If you think of them as interests, absolutely, they can be mathematically identified.

Mr WALLACE: I don't know that I would call an eating disorder or body image—

Prof. Przybylski: Sorry, an eating disorder—I apologise; that's an addiction.

Mr WALLACE: That's okay. I shot a lot of things at you in the interests of trying to be brief.

Prof. Przybylski: That's alright.

CHAIR: Last one, Mr Wallace.

Mr WALLACE: We know that these platforms have the ability to target, for example, young people in particular who have an interest in trying to lose weight in an unhealthy way and then continuously bombard that person. The same goes for gambling and alcohol et cetera. You'd concede that, wouldn't you?

Prof. Przybylski: Yes, absolutely. It's a technical capacity to detect an interest in topics that are like the ones that you talked about.

Mr WALLACE: Can I just ask a last question, because this is the important question, Chair. How can government legislate to better protect users from this kind of exploitation?

Prof. Przybylski: I would say that what government would need to legislate is access and the ability to audit how such a market operates independently, which would, say, provide independent researchers with the capacity to study the data and to gain the kind of insight that would allow me to have answered your question more carefully, Mr Wallace.

Mr WALLACE: Okay.

CHAIR: Thanks very much. I'm going to go to Ms Templeman. If there's time, we'll come back, but we're pushing it.

Ms TEMPLEMAN: I'm just trying to get my head around the platform algorithms and the calls for greater transparency. Has anyone anywhere in the world done this effectively that you have been able to see?

Prof. Przybylski: That's a great question. The only bright spot I've seen is that there's an online platform called Bluesky, and this platform allows users to engage in what's called algorithmic middleware. It allows you to write your own algorithm and plug it in and share it with others. I invite you to check it out. Bluesky originally came out of a lab of Twitter's about three or four years ago, but now, with ChatGPT, in a few minutes you can write an algorithm that only follows your friends when they say positive things, and then you can share that with others.

Ms TEMPLEMAN: Okay. I've just done a quick google, and it says things like, 'Is there a Bluesky algorithm for artists?' As a Special Envoy for the Arts, I'm very interested in that one that popped up. So it gets down to that level.

Prof. Przybylski: Yes, it does. In fact, I have a hope that, say, if you were a children's mental health charity, you could write one of these middleware algorithms and share it with concerned parents. So what's happening right now—the thing that's worrying—is that it's not that the algorithms themselves are good or bad; it's that we have very little of either understanding or insight into how they're used or deployed, so your 'for you' algorithm can be different on a Tuesday from what it was on a Monday. But, if you were able to in any way curate those algorithms—that's the middleware part between you and the platform—and vet them, I think it could lead to a much better experience, especially for young people.

Ms TEMPLEMAN: And that's about giving users the control of it, rather than just ceding all of that to the platform?

Prof. Przybylski: Yes, insight and control.

Ms TEMPLEMAN: But is there any way to have transparency of the platforms' algorithms that they are using, and has anyone done that?

Prof. Przybylski: Not as much as you'd think. Sometimes during elections there are transparent changes, but it's very difficult to verify things. You have to understand that, for a lot of these algorithms, companies don't have a great deal of insight into how they change over time, and documenting those processes of changes is exceptionally rare.

Ms TEMPLEMAN: I think that is more than my one question, so thank you, Chair.

CHAIR: That's okay. You've been very diligent. We've got—oh, we've got about eight minutes left, so there we go. You can ask another question, and then I'll go back to Mr Wallace.

Ms TEMPLEMAN: Thank you very much. Professor, what kind of transparency measures would meaningfully assist? Aside from this particular Bluesky algorithm, are there other ways where you could empower users to understand and adapt to what is happening to them through their social media?

Prof. Przybylski: Yes. I think probably the most important thing would be to allow users to meaningfully download their data from their engagement with online platforms. There's a wide range of signals—a way a platform determines when you've logged in or logged out or performed a behaviour like sending or receiving a direct message or scrolling across all those horrible categories of things that Mr Wallace just asked about—and it would be very useful if a user were able to export all of that in the same way that they can export their emails from Gmail or Outlook. People like me can use that for research, but the users themselves could gain immense insights into their own behaviour if they could see themselves as carefully as the large games firms or the large social media firms could.

Then from that—I promise I'm not affiliated with OpenAI in any way—you could use any of the LLMs to do this, and I've done this with my own Google exports of emails going back, I'm embarrassed to say, 20 years with Gmail. I was able to learn some really interesting things about my patterns of use, and it's stuff that you wouldn't

necessarily see, like when you send and receive emails. There was definitely a less healthy time in my life when I was sending emails as a PhD student.

So I really think that portable data that is machine readable and has the metadata along with it would probably be the most concrete thing, and then absolutely, to your earlier question about algorithms, having some type of sense of which algorithms were in operation at the time when these different epochs of data were made would be immensely useful.

Ms TEMPLEMAN: Thank you for that.

CHAIR: Mr Wallace, I think we could squeeze in one more question if you've got one.

Mr WALLACE: I need two questions, Chair, if I can.

Prof. Przybylski: I'll be brief in my responses, Chair!

Mr WALLACE: I'll be longer in my questions than you'll be in your answers! In a paper published earlier this year on parental digital monitoring by the institute's Professor Hertog and Professor Weinstein, it said:

... parents still largely feel unsupported as they are parenting in a world where digital technologies are ubiquitous ...

What role do you think could digital monitoring apps play in keeping kids safe on social media without negatively impacting on young people's autonomy? That's my first question. My second question is: do you think that some kind of age-verification regime—whilst it's not a fix all; I accept that—could relieve some of the pressure on parents that independently impose restrictions?

Prof. Przybylski: Professor Weinstein's helping me with the school run this morning, and Professor Hertog is a dear friend who I have a meeting with at nine. I think that we need to put power back in the hands of parents and that they should not be expected to be good cops or bad cops. I think that any act that's forthcoming needs to have a comprehensive online safety curriculum or literacy curriculum, and I don't think that parents should have to pay for it. Parents will make decisions about how their families go in line with their values, and they need tools. They need help. If that means that part of the tax that these large companies pay in our countries has to go to that instead of filling potholes, so be it.

In terms of age verification, I'm not an expert in this. I have read the National Institutes of Standards and Technology's 10-year update report that came out this year, and they performed abysmally poorly. The one example that we have, here in the UK, of an attempted age-verification or age-estimation regime ended in the company having to bump up their filtering from 18 to early 20s, which has real civil and human rights implications in terms of the UN Convention on the Rights of the Child and having access to information. I'm intensely sceptical that age verification or estimation would be a useful tool in the tool box for parents, even for the well off and especially for those struggling to stay on top of things. I think what's really needed here is effective literacy on the community level, on the parent level and on the family level.

Mr WALLACE: In relation to that, I don't think it matters what country you're in, and I've often referred to this. In Australia, parents are screaming out for governments to do something. Certainly, my side of politics has come out and said, 'If we're re-elected, we'll implement age verification for the age of 16,' and the Prime Minister has made similar statements as well. If you don't have something like that, as a parent, you are constantly hearing, 'Well, Mary's mum and dad let her have social media,' and the child is 12, 13 or whatever it might be. You get that emotional blackmail: 'Well, that's not fair. Other kids in my grade are allowed to do it, so why can't I?' I think that's universal. Kids have been doing that to their parents since Adam was a lad. You talked earlier about the importance of empowering parents. I see that as an empowerment of parents, to be able to actually say, 'Well, you know what'—Joe or Mary—'it's out of my hands. You say that Mary's parents will allow her, but it's against the law, so it's not supposed to be done and I'm not going to do it.'

Prof. Przybylski: As a parent, I also understand that frustration and that desire for there to be a quick fix. I would say that other countries have tried this with much more authoritarian hands. In South Korea they turned off the internet for young people, requiring age verification—which is to say a legal government ID—for 10 years between midnight and 6 am, and it did not work. The Chinese have limited their young people to playing video games three hours per week, and all the data that we're able to get out of China indicates that it does not work. The data indicates that simple and fast rules and things like that, which you feel would be a very good idea, do not work, even when you're willing to violate the human rights of young users.

This desire and this pressure—this emotional blackmail—resonate very strongly with me, but I think that kids deserve better. The concrete thing that you could do, instead of trying to stash all the spinning wheels in the cupboard and hoping they don't prick their fingers before they turn 16, is fairly straightforward stuff. You need to hire more police to act on leads about online child sexual exploitation. If you want to keep people safe from the

internet, you make distracted driving as heavily punished as drunk driving, because many Australians, many Brits and many Americans unnecessarily die on the road because of that. If you want to make kids safer online and have less of a reflective action problem, if you're concerned about something like addictive technologies, then you do not allow online social media platforms to harvest data on children and sell ads on the basis of it. You make it less profitable for firms to make money off our children's data and you make sure that their data belongs to them. You set a new norm.

I know those three things sound complicated, but those are the three things that are the largest hazards to young people in the online world. Being sexually exploited destroys more children's lives than cancer does. Distracted driving kills 500 Brits and 5,000 Americans unnecessarily every year. The root of this bad behaviour that we observe in social media firms—Mr Wallace, those categories that you talked about exist because they're profitable. So if we care about our kids we will make that data, by law, not profitable. I resonate very strongly with this idea that my own children wouldn't be exposed to things I don't like until they turn 16, and it makes it easier for me as a parent to kind of keep that door slammed shut, but it has been shown to be not effective, and that's before we even talk about the fact that the technology itself is flawed. I think that if we want the best for our kids we need to hold these tech companies accountable. Their tax needs to go to research. Their tax needs to go to social services. Their tax needs to go to social workers to help them with these problems. If that means the tax needs to go up then the tax needs to go up.

Senator HANSON-YOUNG: Or have them taxed at all!

CHAIR: Thank you, Professor Przybylski. I'm sure that there are a thousand other questions, but we do have to draw it to an end; and I have some other witnesses waiting to join us now. We're very grateful for your contributions today and for taking the time on an early morning, UK time, to join us. You're free to go and get back to your meetings and the day ahead. But, again, thank you very much.

Prof. Przybylski: Thank you, Chair. Have a nice day.

CHAIR: Great. You too. If there was any additional information that was requested of you, the secretariat has asked that that be sent to them by Monday 14 October.

Prof. Przybylski: Sure thing.

CORBY, Mr Iain, Executive Director, Age Verification Providers Association

[16:35]

CHAIR: Welcome. I understand that information on parliamentary privilege and the protection of witnesses giving evidence before a joint committee like this has been provided to you. I now invite you to make a short opening statement, and then I will invite committee members to ask questions. Over to you.

Mr Corby: Thank you for the opportunity to brief the committee today. I am the executive director of the AVPA. We're a global trade body representing 30 suppliers of age-verification and age-estimation solutions. A number of our members already offer services here in Australia, and one of those—IDVerse—is headquartered in North Sydney. I'm personally the technical author of the IEEE 2089.1 standard on age-verification and sit as an expert member of the working group responsible for the ISO 27566 framework on assurance. I was the project manager for a project called euCONSENT, which began as an EU funded project to deliver interoperable age-verification and parental consent mechanisms and is now established as a nonprofit driving collaboration across the age-assurance industry.

The trade association is politically neutral, so I'm not here to argue for or against applying age restrictions in any particular form to digital services or content, but I hope I can ensure the committee is well informed about the technical capabilities of the age-assurance sector and I can dispel some common misconceptions. I'd be happy to speak to the different methods of age verification and estimation: passports, selfies, hand movements, email addresses, bank records or, indeed, if government gives us access to them, school records, benefit records or health records. I can share how we use government accredited auditors to certify data security privacy and accuracy and I can update you on the latest initiative to move to a tokenised reusable approach which uses zero-knowledge proof.

We've been pressing some time for the pilot, which we are pleased to see the Australian government has agreed to pursue, and we have some views on how to make the most of that opportunity, taking over from the work which the EU supported, which delivered a large-scale trial with some 2,000 adults and children across different states accessing four websites in different languages with different age restrictions. I know other witnesses you've heard from have advocated for transferring the responsibility for implementing age restrictions to parents using controls embedded in operating systems. While of course we support a multilayered approach, I can speak to why we think this would not deliver the policy objective as effectively as independent, third-party age assurance. Hopefully, I can provide some reassurance that the tech is not easily circumvented, that virtual private networks or deepfakes don't defeat it and that laws made by this parliament can be effectively enforced on platforms globally.

CHAIR: Thank you very much. Mr Wallace, would you like to go first with questions?

Mr WALLACE: I would love to. Thanks very much for your evidence today. You offered to take us through some different technologies and options that would be available to either government or the social media platforms should the age-verification or age-assurance mechanism come into being. How would we do it—or should I say how would they do it, 'they' being the platforms?

Mr Corby: I'm glad to start with you, Mr Wallace, because I last spoke in this parliament in front of your committee on online wagering and pornography, if I remember rightly, about three years ago—

Mr WALLACE: Maybe a bit longer!

Mr Corby: on the same subject.

Mr WALLACE: In fact, the chair was part of those. She was the deputy chair at the time, if I remember correctly.

Mr Corby: Things have moved on a little bit since then, but let's just go through the two main categories of verification and estimation. Age-verification processes can typically start with a piece of physical ID where we read the data from the passport, driving license or ID card and compare it to a selfie of the user to make sure it belongs to them. That whole process has now been shrunk so it can be done on your phone, so you don't even have to share that data to the cloud or with a third party. We could also use open banking; you have ConnectID here in Australia to check with your bank whether your age is correct or could refer to things like the electoral roll or credit reports as another way of checking age.

On the estimation side, facial age estimation is the one we've heard the most about. That gets better year on year. Yoti, which was mentioned earlier today, has an average error rate of plus or minus 1.2 years. Obviously, with all these estimations you need to apply them in a sensible way and understand they're not going to allow you to prove that yesterday was your 14th birthday, but they will help us to keep five-, six- and seven-year-olds off

social media and make it very easy for 25-, 30- or 40-year-olds to get onto social media. They work not so much at the margin in the middle but certainly are very good either side of that margin.

Since I submitted out written evidence to this committee, we've learnt of a new method, which is based on how you move your hands. You're asked to do three hand movements on a video. Because this tendon apparently is very closely attached to your age, we can estimate age with 99 per cent certainty to know whether you're above or below a certain age. That was just found by accident because people were looking for doping in sport and they thought that tendon was affected by doping and discovered it also told us about age.

And we could just use your email address and how you've applied your email address, like what things you've done with it. Did you apply for a mortgage with your email address at some point, for example? Again, using AI and a large number of data points, you can get a very good predictive value for age.

There are lots of different ways of doing it. Many of those can be done on device, so you don't actually have to share any data beyond the palm of your own hand, and they are very privacy preserving.

Mr WALLACE: That's a good point. I think, not unreasonably, there are many Australians who, particularly with the amount of data leaks that are going on these days, have a healthy concern about and scepticism of their right to protect their personal and private information. One of the things that concerns me and many other people is how we prevent a honeypot of data being able to be hacked. You've said that one of the mechanisms might be to upload your government ID, your driver's license or passport—something along those lines. If someone were to do that and then take a selfie, that might be effective, but then how do we ensure that that data is not going to be mined by some nefarious character?

Mr Corby: The very simple answer to that is: don't keep the data. We would never advise anybody to retain the data after they've done the age check. Even if it doesn't remain on the device and is processed in the cloud, you might be able to get better security measures and more powerful AI in the cloud, but you only use it for the time you need it to confirm the age. Once you've confirmed the age, we through that data away; we delete it. Obviously, the age-assurance business mostly grew up in EU. The UK was bringing forward the Digital Economy Act in 2017. We're very used to behaving under GDPR, privacy by design and data minimisation. So, if there's no justification to keep the data, it's illegal to do so under GDPR. We don't need that data any longer, because we've done the check. We've just recorded you as a user who is over 18 or over 14. Our latest innovation is to now pass on that information to the platforms using a zero-knowledge proof encrypted token so it is actually technically impossible for the platform to figure out the identity of the user or for the supplier of the token to know where the token is being used, so they can't track what the user is doing with it.

Mr WALLACE: But that would require an individual to provide their personal details, by virtue of their passport or driver's license, for example—government ID—to a third-party provider, correct?

Mr Corby: Except I mentioned one of our providers has already shrunk that process down so it can be done in the palm of your hand, so none of that data ever leaves your hand. But, yes, at the moment, the industry passes it up and will do that comparison on a server or a cloud, but what we don't do is retain that data. As soon as we've got the match, check the age and delete the data.

Mr WALLACE: Let me play devil's advocate. How can we trust those third-party providers to delete the data when data is so incredibly valuable these days?

Mr Corby: If we give up on trusting the rule of law, we'll struggle to legislate or regulate for anything. But we do accept that in our area of work this is quite sensitive. We already have a very strong audit practice, and that's a government accredited auditor that certifies solutions and looks at data security and data privacy, as well as obviously the accuracy of those solutions. One option, when legislating here in Australia, might be to require that all solutions are certified, or you could even have a licensing arrangement to make sure that providers have the extra level of scrutiny. But trust me; the data protection regulators in Europe are all over our industry, and we work very closely with the ICO, the CNIL in France and the AEPD in Spain. They're the ones who've been inventing some of these double-blind cryptographic solutions because they want to make sure this is all very well protected.

Mr WALLACE: You've talked a couple of times about how the data may not leave your hand; it stays on your phone. How does that work? I don't quite get that one. That's new to me.

Mr Corby: The software can now be shrunk and can fit into an app on your phone, and all the processing you might otherwise have done on the cloud or on a server can be done within the app on your phone. So you can literally take the photograph of your ID with your phone, using an app, and then with the selfie that app will do the process of confirming that you're real and the document is real. It'll extract the date and from that be able to

emit that signal, that privacy-preserving, zero-knowledge proof, that the user is over 14 or over 18—whatever the question is about age.

Mr WALLACE: Isn't it the case that the social media platforms are now providing a form of age assurance to some extent? Can you talk us through that?

Mr Corby: Yes, I think they do relatively rudimentary checks to look, effectively, for red flags. If on your actual 14th birthday lots of people are saying, 'Happy 21st', then the platform will appreciate that perhaps you didn't tell the truth about your age when you first signed up to that platform. That typically then leads to a referral to a third-party specialist age-verification provider either to do a facial age estimation or to look for some data.

I have one point on the estimation. The only reason we had to invent it was that it was really hard to get access to data on children's ages. That's because, frankly, in the UK, government departments were very reluctant to open up that access, even to a one-way blind check where you say, 'This kid has given us this information, and they've told us this is their date of birth. Is that accurate?' and you get a yes or no back from the relevant government department. When you are legislating as a government, you have that opportunity to make some of those data sources available. In that case we don't even need to worry so much about the estimation process; we could do proper verifications for kids of all ages, not just adults with driving licences.

Senator HANSON-YOUNG: If you could access government birth information—

Mr Corby: We have child benefit in the UK, for example. So there is a database that has everybody's—and therefore you could say to that database: 'We've got Johnny Smith here. He says his date of birth was in 1983. Is that the correct date of birth?' And you'd get a yes or no. You can't go and look at his records, but you can find out if what he's telling you is the truth.

Mr WALLACE: And then you get a digital token, effectively?

Mr Corby: Yes. One of the things we're looking to do to try to modernise the industry, instead of having to go to every site and prove your age to every individual site—which isn't so bad if you're just creating a couple of social media accounts. But we have age-appropriate design codes in Europe now which suggest you have to have a different experience, whether you're five or seven or 12 or 15. Many sites now need to have a good idea of the age of their users. So, to omit that persistent information on your age, we think an encrypted tokenised solution is the best way forward.

Mr WALLACE: Chair, do you need me to stop?

CHAIR: The deputy chair has got some follow-up questions—so over to her.

Senator HANSON-YOUNG: I'm sorry if I've missed this, but have you been involved in the age-verification trial that the government's meant to be conducting?

Mr Corby: I've been lucky enough to have conversations with both major parties here in the run-up to that. We worked with David Coleman on suggesting a three-year trial with a \$6 million budget, and the government kindly came up with a \$6½ million budget to run a trial, for which the call for a proposal, I believe, closes next week.

Senator HANSON-YOUNG: Yes. Are you in the position where you will be one of the companies tendering for this?

Mr Corby: I don't think the trade association would be seen as objective enough to assess our own efficacy. But the audit practice the Age Check Certification Scheme I believe will be putting forward a bid.

Senator HANSON-YOUNG: Okay. That trial is about working out whether someone is a minor or an adult, right? You're saying, in that sense, that data is perhaps easier to access because there are all these different data points—drivers licences, whether people are enrolled to vote and all those moments where people have had to prove that they already are over 18.

Mr Corby: My recollection from the call for a proposal is it doesn't limit itself to just the 18-plus use case. Obviously, the people writing that fairly recently were aware of the wider discussion around social media, so they are interested in learning which methods work, how accurate they are, if they suffer from bias—all the questions we've been asking. To be fair to the eSafety Commissioner, her office has done some pretty good research already testing some of these solutions. We think it might be a little bit of a missed opportunity not to use that generous budget to do a very large-scale trial with lots of Australians actually trying out different methods—

Senator HANSON-YOUNG: At different ages?

Mr Corby: Yes, and you do proper ethnographic studies of how they get on that, how they react to that, what their feelings are about that. Ideally, you test the latest and greatest technology, which is this interoperable

tokenised solution. I don't think, given the timeframes for that, the department running that call for proposal is going to be quite so ambitious, but at the very least I hope we would have some very large sample sizes to get some really robust data. There were some drawbacks with the early work with the eSafety Commissioner where they used some very small sample sizes with the laboratory that did that work.

Senator HANSON-YOUNG: The token-style model, who pays for that? Is it envisioned that is paid for by government, or is that paid for by the platforms?

Mr Corby: One of the drawbacks with the academic models developed by the French and Spanish authorities was that they didn't really think about the sustainable commercial model that allows that to operate. So what we've tried to do with our tokenised solution, which is being run cooperatively, effectively, by the industry through this non-profit EU consent, is to have a tallying service so we can record how often any particular website or platform uses a token, and then they can pay for the privilege of using that token.

Senator HANSON-YOUNG: The platform pays?

Mr Corby: The platform pays. Keep in mind, we're talking about a few cents per check. We're not in the world of dollars or more.

Senator HANSON-YOUNG: I guess I'm trying to work out where this intersects with making sure it's government verified. If a system like that requires the checking of the birthdates of minors, so 14- and 15-year-olds, surely that's a cost on government, right? Unless you're handing the data over, which—

Mr Corby: Yes, if you are going to give access to government data, there would be some development cost to the creator, the API, that allows you to do that one-way check. But there is no reason, of course, from the 10c you're charging Meta when somebody opens an account that the provider isn't having to pay the government something to offset its costs from within that. But the idea is, once you've done that check once, that lasts for a year, so it's not a recurrent cost.

Senator HANSON-YOUNG: Okay. Sorry, I know it's talking in hypotheticals when we don't have an actual model in front of us. We're just trying to drill down to what the possibilities are. Without having an actual hard dataset of ages, what technology is available to decipher between a 14-year-old and a 15-year-old or a 15-year-old and a 16-year-old?

Mr Corby: When we looked at this in the UK, we would start with an estimation process. You would get, through that, some false negatives and some false positives, and then, if people wanted to appeal that because, say, they'd had their 14th birthday and they wanted to get their TikTok account, they would need to look for a way to come up with some proof. With UK data, it said 95 per cent of kids in that age group had a passport, so they would be able to maybe use that piece of ID.

But, failing that, we have a manual professional vouching process in the UK through the National Proof of Age Standards Scheme. From there, you can get a doctor or teacher to go online and essentially give you a reference, and then a company will issue you with a plastic ID which you can then use as part of an age-verification process. We have that back-up process.

It's really important whatever we do is inclusive. The non-profit I mentioned has made provision to make sure that we effectively tax the cheap checks so that we can subsidise the expensive ones meaning nobody's excluded and everybody can prove their age.

Senator HANSON-YOUNG: Got it. Sorry, Mr Wallace, back to you.

Mr WALLACE: No, no, thanks.

CHAIR: I'm actually handing across to Ms Templeman next. We'll see how we go on time.

Mr WALLACE: I've got a couple more questions.

Ms TEMPLEMAN: If I just step back, in terms of the most reliable or foolproof way to establish the age of someone under 18, is that piece of government data a real key to it? Am I interpreting that properly?

Mr Corby: Yes. Everybody in the UK has a unique pupil number, which really is only known by that pupil or their parents because it's on their report card but not something they share with others. You could provide that to government and say: 'This person, Iain Corby, is claiming his birthday's 26 February 1975, and this is his unique pupil number, so he's the only person who knows that. Is that all correct?' You'd only get an answer of yes or no.

Ms TEMPLEMAN: One of the issues that we see is people who are not under 18 pretending to be under 18.

Mr Corby: Yes.

Senator HANSON-YOUNG: They're pretending to be over 18.

Ms TEMPLEMAN: No, I'm talking about people who are over 18 pretending that they are young people. How easy is it for those people to be recognised as, say, a 16-year-old with an age-verification process when actually they're a 46-year-old?

Mr Corby: Provided we're operating an age-verification process—I think, by the way, the use case you're talking about is the one which is the most important of all the work that we do. It's keeping bad actor adults out of kids' spaces, where they can, obviously, sextort other kids by pretending to be a pretty young girl down the road when they're not. As long as you're applying an age-verification process, maybe that adult has been asked to do a facial age estimation. They're clearly not going to show up as 16 if they're actually 46. Maybe they've been asked to produce a document. Again, we're pretty good at spotting fake documents, in spite of what you may have heard about there being lots of fakes or Snapchat filters to make you look a different age. We weren't born yesterday. The tech we have is good at spotting these fakes.

Ms TEMPLEMAN: But is it fair to say that, if someone really wants to get around it, they can?

Mr Corby: These things are all about proportionality. Somebody who's very determined and has a lot of computing power, money and time is a very different threat actor from some kid who's just trying to pretend to be a couple of years older. We'll definitely stop the latter. If you want to stop the former, you can, but it'll be extremely inconvenient for every other user, so there is going to be a balance. I would suggest let's get something in place, even if it's just a simple age estimation to keep the youngest kids off and to keep those older people away from pretending that they're young, and we can see how it goes. If we want to raise our game, we can increase the requirement in terms of what we call the level of assurance to turn up the requirement.

Ms TEMPLEMAN: You've talked about a lot of the different types of verifications that can be used. Setting aside testing it against a piece of government data, when it comes to the different methods, what does the experience tell us about the most effective way to identify the difference between, say, a 15-year-old and a 16-year-old, where, hypothetically, one is allowed on social media and the younger one is not? There's not a lot of difference.

Mr Corby: I've given this quite a lot of thought. I think Australia's the only place which is really focused on the social media use. Utah are sort of doing it, but they've set a slightly lower bar. They're asking for any standard that is 95 per cent accurate. They've set a particular degree of margin for error that they're willing to tolerate. But you can see some very upset kids if they don't get access when they should, so I think you do need these fall-back methods of verification if you don't pass the estimations. Keep in mind that we're going to expect all adults to prove that they're adults as well, so the easier those options are for everybody else, the better. A quick selfie or moving your fingers around might be a good answer for most of us who are well over the age of 14 or 15.

Ms TEMPLEMAN: I think you were in the room when previous witnesses today made comments about it being almost impossible to enforce. I don't know at what point the impossibility comes in, but what is your assessment of the effectiveness of age verification in keeping young people away from social media?

Mr Corby: I'm not sure that I entirely understand. Are you talking about how they enforce the law overseas?

Ms TEMPLEMAN: Well, anywhere. People have made claims that it's not enforceable.

Mr Corby: Okay. I'll make a couple of points that sometimes come up, and then you can tell me if I'm in the right area. First of all, there are virtual private networks: 'Oh, I can pretend I'm not in Australia. I'll just pretend that I'm in Nevada.' I've never seen any age verification laws with an exception that says 'except if you use a virtual private network, in which case this law does not apply.' The obligation remains on the platform. In the online gaming world there are only certain states in the world which allow you to place a bet online. You have to prove you're in that state before you can place the bet. So we don't just do it with the IP address, which is what you shift with a VPN; we do it with GPS; we do it with which wi-fi you're on. I'm on the parliamentary wi-fi while I'm here, so there's a pretty good chance I'm actually in Australia today. If you're willing to give up that information you can prove where you are. So it would be up to people to prove that they are not in Australia if they don't want to have those age verifications.

I would also commend for any legislation what we've done in the UK with the Online Safety Act, which is to allow Ofcom to ask that business support services, such as payments, hosting, search—all the things that allow you to make money on the internet—be withdrawn. They can go to Visa and Mastercard and say: 'This company is not compliant with our law. Please stop allowing them to take payments from the UK.' We know that those payment networks will cooperate with that. In fact, they are now legally obliged to do so.

CHAIR: When did that begin?

Mr Corby: The Online Safety Act is in the process of coming into force. Ofcom have drafted regulations, and the child safety duties will come into force in the middle of next year, I believe, when parliament has signed those off. It has been a very slow process. I hope Australia can move a little bit more quickly than we did.

CHAIR: Thank you. Ms Daniel, do you have anything? I've got you clocked, Mr Wallace, and the deputy chair wants another bite.

Ms DANIEL: I'm okay. Thank you, Chair.

CHAIR: Terrific. Thank you. How about we go to the deputy chair first and then back to Mr Wallace.

Senator HANSON-YOUNG: Just quickly, this committee, not in a hearing but in a private briefing, heard from a whistleblower from Meta who put to us that there is so much data collected by these companies, these platforms, on the way someone uses their phone—even the way people hold their phone or the way they scroll—that while they might not be able to tell whether somebody is 13 or 14 they can definitely tell whether they're a minor or not and whether they're more in the older teenage range or the younger teenage range or a child. They use that data, of course, to sell advertising. If that type of technology is already being used by these platforms, surely requiring these platforms to protect people in those vulnerable groups is not beyond the realms of possibility.

Mr Corby: I think that's a little bit off my expertise, but what I would say is that I would hope that that sort of marketing AI which is being used to analyse customer behaviour and put them into demographic groups for targeting would be one of those red flags which says, 'Hang on, we're advertising to you as if you're a 14-year-old, but you're registered on our system as being 19, because that's what you claimed when you signed up.' That should be a reason to refer somebody for an age check.

Senator HANSON-YOUNG: That was the type of example she was using. She was saying people are pretending that they're older than they are. You can work it out pretty quickly.

Mr Corby: To be fair to Meta and Instagram, I think that's what they are trying to do with their most recent announcement. They've sort of shifted the burden of proof, and they no longer just give you the benefit of the doubt, basically, as the child when you create—

Senator HANSON-YOUNG: This whistleblower wasn't really saying that. They were saying that Meta's not really doing enough. They're still making lots of money off this.

Mr Corby: This is obviously a very new announcement, and I hope it'll be properly independently evaluated so we can see if they are actually weeding out the children and getting them to do checks.

Senator HANSON-YOUNG: They certainly have the ability to target them with advertising, so, if they have the ability to do that, they should have the ability to protect them. Thank you.

CHAIR: I want to get one question in before I go to Mr Wallace. I'm interested to know if there is any kind of common acceptance in the age-verification sector that children's privacy is more important than technical accuracy in proving age.

Mr Corby: I'm not sure you have to make a choice. The age-verification sector started with the pornography world, as Mr Wallace will remember from his inquiry. And of course people were extremely sensitive about their privacy there, in terms of both their identity and what they were looking at online. So it actually served us well because we build an entire industry around privacy, and I think we do not want to be encouraging children to be sharing personal details willy-nilly around the internet. All those lessons we learnt about how to do age assurance in a privacy-preserving way have stood us in good stead now that the focus has moved much more towards children.

CHAIR: Is there an accepted position amongst the providers?

Mr Corby: First of all, it's not rocket science. The technology I've been describing today, even the latest ideas about tokens, which are signed certificates that are zero-knowledge proofs, have been around for 20 years. We're just now trying to apply it because the French and the Spanish have pushed us to raising, even above what we had before, to this guarantee of privacy. So it's not impossible. In fact, we were offering it as amendments to a bill in California three months ago because we recognised as an industry we're just going to have to do that anyway. And it's not hard to do, so why wouldn't we? It's a bit of a false dichotomy to say, 'You can have either age assurance or privacy, but you can't have them both.' Actually, it's really straightforward. If you design the tech well, then you can guarantee that privacy.

CHAIR: What about in your international experience? Is there a jurisdiction that you are particularly optimistic about in terms of being able to get some good safety measures in place?

Mr Corby: Clearly, European and UK data protection law is very robust, and the UK Information Commissioner has offered a sandbox and has worked with some of our providers in that sandbox process to stress test their approaches. For example, for testing facial age estimation we need lots of pictures of kids. So how you gather that data, get permission for that data and use the data is a very sensitive process, and they've been extremely close to those things. We can't really hide what we do. Everybody knows that we're dealing with lots of personal data and we're dealing with children, so we're pretty high up on the priority list of data protection priorities.

CHAIR: Mr Wallace—back to you.

Mr WALLACE: Thanks, Chair. Mr Corby, when we were looking at age-verification for online pornography and gambling, we were talking about different models. I accept that you're saying the technology has improved since then; that's fine. But we heard just a moment ago from Andrew Przybylski from the Oxford Internet Institute, and he was very critical of age-verification mechanisms. I don't want to put words in his mouth, but I think he was of the view that they don't work. How do you respond to that?

Mr Corby: He'd certainly been looking at the National Institute of Standards and Technology report which showed a dramatic improvement in 10 years, on age estimation, but still showed some wider margins for error than the ones I've quoted today. The problem was that the NIST testing data was essentially based on publicly available images they had, such as photos taken at the border and mugshots—I always find it a little bit amusing that Donald Trump may have been a piece of test data for this process. Those were the photographs and ages they had available to them, which is very different from you taking a photo with your phone right here, in relatively good light and with a good-quality camera, and then us doing an age estimation based on that. So we think the NIST testing was a little bit limited in that respect. His perspective, I think, was very much around education and resilience, and I wouldn't say that we shouldn't try and educate kids to be more resilient to what they are seeing online.

The other part of his view was about empowering parents. We then get into this debate because the platforms now seem to be getting together to say, 'We want to do this all on device. We effectively want parents to be able to set parental controls in a standardised way within an operating system.' That is a very different policy objective from the one that we provide a solution for. We're helping governments to determine the minimum age at which kids can do stuff or see stuff. That's quite different from helping parents to decide what they want to do, because parents need to know about these controls. They need to know how to use them, and they need to decide to use them. Then they need to resist the pester power of kids asking them to turn them off because they want to use *Call of Duty*, not realising what else they are opening up their kids to if they turn off those requirements. Also, Ofcom research shows that something like 37 per cent of parents used SafeSearch, which was the most popular form of child protection—they turned on SafeSearch. But if you look at the demographics of those parents, it was the more affluent parents who were more likely to use those. It's the less well-off people in society, perhaps the more vulnerable, who are less likely to have parents who are going to use those controls. That's why I still personally think that, if you had to choose a hierarchy, having the platforms—who know what's harmful and who have the best chance of knowing independently who is using their platforms—apply these protections, that is the right place in the technical stack to apply the most important protective measure.

Mr WALLACE: As governments and legislators, particularly in this space, if the political decision is made to introduce age verification—and that's what we've said we'll do if we win government—should governments be saying, 'This is the law. Social media companies: you must satisfy yourselves that whoever you allow to use your platforms must be 16 years of age as a minimum. How you do that is a matter for you, provided certain requirements are entered into, but we're not going to tell you how to do that because you're smart people; you are very tech-savvy people. You come up with a solution, provided that certain requirements are met around the protection of data.' Is that something that we should be doing? Or should governments be looking at prescribing particular ways of going about it?

Mr Corby: I presume that the Australian tradition of legislating is similar to the British tradition, and so you should be setting your desire for what the outcome is. We want to keep most kids off the most harmful content, most of the time. You can do what Utah did and say, 'By that we mean 95 per cent.' Or you could say 99 per cent. You could pick a level of assurance. You could point to one from an international standard, like the IEEE standard I mentioned earlier, and then you can leave it to the market to deliver on that. Obviously, with data protection regulations being applied, that will already limit the options to some extent. If the platforms can then persuade Google and Apple to take on the job as the age verification provider to the rest of the world, and that doesn't breach any competition concerns you may have as a government then, great, they can go down that route.

We haven't seen much of an indication from the operating systems that they want to take on the cost and liability of managing the process.

Mr WALLACE: I want to double back to what you said earlier. There's more than one way to skin a cat here. You can look at some very complex measures—facial recognition, facial ID, being able to assess someone's age. They're all at one end of the extreme. Right at the very other end of the extreme is what I would call an analogue mechanism, where you might be able to go into the local pharmacy or newsagent or see a doctor or teacher, as you said, show them your student card or some other sort of government card with your date of birth on it, and the trusted person might then give you a token with a number on it. You can then insert that number that no-one else has. No-one knows who has used that number, but you've satisfied an independent third party. There are all sorts of ways we can do this, from the very complex to the really basic analogue, aren't there?

Mr Corby: There are. I mentioned already professional vouching for people who may not have access to documents, for example. That's very similar to your example of going into the shop. We had that; they called it the 'porn pass' back in the UK. It was ridiculed and it didn't last very long. But that's because in those days we were only doing age verification for one reason. Now, obviously, age verification is being required for a lot more reasons, so it might be a little less awkward to go in and ask for one of those passes at the local store. I'm not sure if that is the best solution. I think the professional vouching is probably a better option.

What I would do is point to international standards. I would have regulators determine which standards are appropriate and then require that providers are independently certified by government accredited auditors to be delivering to those standards. That means the government doesn't have to write technology into statute, which is obviously not a great futureproof approach.

Mr WALLACE: Okay. Thanks very much.

CHAIR: Thank you, Mr Wallace. Ms Templeman has a follow-up question as well.

Ms TEMPLEMAN: Yes. I was reflecting on the \$6.5 million trial in the May budget that the Albanese government is doing on age verification, and, like yours, my understanding is the tender to select the provider for the trial closes in about a week's time. Obviously, there's the commitment by the government to bring legislation into the parliament by the end of the year. You also mentioned that you had had discussions. Is there any additional information you can give about the input you had to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts in terms of that trial?

Mr Corby: To be very honest, I was quite frank and I thought it might be a missed opportunity to simply do laboratory bench tests of different methods of age estimation and age verification, because they have already been done. As I mentioned, there's already a certification scheme. We can do them with much larger sample sizes and have, therefore, much lower margins of error in the outcomes of those tests, so there's definitely some progress that can be made. But it didn't feel like something that anybody would be able to justify that kind of budget on. For the euCONSENT project, where we did interoperable age verification and parental consent, which is an important element of what you're potentially thinking about with social media, we had a 1.4-million-euro budget and 2,000 people testing out real solutions on dummy websites as it happened.

So, originally, when we heard about this opportunity in Australia, we thought: 'That's the next big thing. We can now move and try this tokenised solution at a much bigger scale and get some really good ethnographic information.' Particularly as they want to finish it within this financial year, I don't think that's necessarily going to be practical. I have toyed with the idea of putting in a proposal, because there's an alternative proposal option in the call for proposals which says, 'If you don't think we're doing this the right way, you can suggest a different one,' but I'm not quite sure that that will actually fly. Hopefully, whatever they do will be as big as possible and will involve real people and real platforms going through realistic processes so that we can actually prove to the world that the sky does not fall in when you have to prove that you are old enough to access social media.

Ms TEMPLEMAN: And, hopefully, what it will give us is a real-world, Australian context for how we can most effectively do it here, given our levels of government and privacy structures and the like.

Mr Corby: Yes. Elsewhere we've done over a billion age checks, and I don't think you'll be able to find any scandals around privacy or data breaches relating to age assurance processes, because we don't keep the data. If you don't keep the data, you can't lose the data.

Ms TEMPLEMAN: Thank you very much.

CHAIR: That's going to conclude today's hearing. I want to thank not just Mr Corby but indeed all the witnesses that provided evidence to the committee today. I also give a big shout-out to Hansard and Broadcasting for their assistance, ensuring that we made that connection with the UK after all, and of course to the secretariat,

who are constantly supporting us in our work here as well. The committee has agreed that any responses to questions on notice should be provided to the committee by Monday 14 October.

Committee adjourned at 17:20