



12 January 2015

Committee Secretary
Senate Standing Committee on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Telstra welcomes the opportunity to provide this submission to the Senate Standing Committee in response to the *Enhancing Online Safety for Children Bill 2014* and the *Enhancing Online Safety for Children (Consequential Amendments) Bill 2014*.

Telstra is a strong advocate for measures that enhance the online safety of children, and has previously made submissions to the Department of Communications on this important issue.

We believe that online safety is everyone's responsibility and as Australia's largest internet and mobile phone service provider, Telstra has a significant role to play. Since 2006, Telstra has worked with government and non-profit organisations to support online safety. This includes, among other initiatives, an \$8 million commitment to eSmart Libraries, a partnership with The Alannah and Madeline Foundation; the development of resources that promote the safe and responsible use of technology; and, the availability of a range of parental control products for our customers.

We have reviewed the *Enhancing Online Safety for Children Bill 2014* ("the Bill") and the *Consequential Amendments Bill 2014* and, in general, believe that this proposed legislation will assist the promotion of online safety for Australian children and others in the community.

Our only further comment on the proposed legislation relates to the conduct of investigations.

The Consequential Amendments Bill amends the *Telecommunications Act 1997* (Cth) ("Telecommunications Act") so that carriers and carriage/content service providers must comply with the directions of the Commissioner, in connection with the exercise of any of the Commissioner's functions or powers.

We accept that assistance from relevant telecommunication service providers may be necessary for effective investigation and enforcement of aspects of the proposed regime, and as a general principle we stand ready to provide assistance for this purpose. We expect this will also be true of other industry participants.

Carriers and carriage/content service providers already provide assistance to government officers and authorities as is reasonably necessary for the purposes of assisting the enforcement of criminal laws, protecting public revenue and safeguarding national security under s 313 of the Telecommunications Act. However, s 314 (2) of the Telecommunications Act also effectively provides for the assisting parties to be compensated in relevant cases by providing that compliance with the assistance obligation is on the basis that "the person neither profits from, nor bears the costs of, giving that help".



We believe it is appropriate for consideration to be given to including a similar mechanism for the provision of investigation assistance in relation to the Bill. This may assist all parties in resourcing relevant investigations and help ensure the regulatory burden on such parties remains proportionate.

We would be pleased to provide further information or assistance on the issues raised in this submission. We remain committed to working with the government to ensure good outcomes in this area of policy regulation.

Yours sincerely

James Shaw
Director Government Relations