# Draft Online Safety (Basic Online Safety Expectations) Determination 2021 Consultation

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### With digital connection more important in our everyday lives than ever, a regulatory system that ensures a safe and healthy online environment for everyone is essential.

FARE thanks the Department of Infrastructure, Transport, Regional Development and Communications for the opportunity to provide input to the Draft Online Safety (Basic Online Safety Expectations) Determination 2021 Consultation.

FARE commends the Basic Online Safety Expectations (BOSE) consultation paper for acknowledging the need to place greater responsibility on online platforms by implementing a regulatory approach that goes beyond industry developed and administered codes of practice. As acknowledged in the BOSE consultation paper, online platforms have demonstrated that without legal and regulatory measures that set standards for online safety and ensure transparency and accountability, they will continue to promote harm through their platforms. This is because online platforms have vested commercial interests that conflict with promoting a truly safe online environment.

This has most recently been made evident by leaked Facebook research and documents that show Facebook is aware of how its platforms create harm to its users, including to children, but refuse to take meaningful actions that counter this because it conflicts with their core business objectives. Speaking to these issues, former employee of Facebook, Frances Haugen, has stated:

“*The thing I saw at Facebook over and over again, was there were conflicts of interest between what was good for the public and what was good for Facebook. And Facebook, over and over again, chose to optimise for its own interests, like making more money1*…

*Facebook has realised that, if they change the algorithm to be safer, people will spend less time on the site, they will click on less advertisements, they will make less money.”*3

Given many online platforms are built for selling marketing opportunities to companies, and subsequently target their users with marketing via their platforms, we cannot expect, or trust, online platforms to implement effective measures that limit current marketing activities for the purpose of ensuring a safe online environment. Their interests are too conflicted on this matter. The Safety by Design principles imbedded in the BOSE must also be extended to marketing online, so that harms from digital marketing practices are minimised before they occur.

At the present, online platforms have designed digital systems that are geared to target people’s susceptibilities and create vulnerabilities, to increase profit from digital advertising. Harmful industries, such as alcohol, gambling, tobacco and highly processed food industries, pay to access these sophisticated digital systems and tools to aggressively market their products that hurt people’s health and wellbeing. By design, people who purchase harmful products the most, are also targeted by digital marketing models the most. The below-the-line and ephemeral nature of digital marketing also means that companies selling harmful products can target their digital marketing to children and young people out of sight. In these ways, the current digital marketing model used by harmful industries is creating an unsafe online environment that is actively undermining people’s health and wellbeing, particularly children and people recovering from addiction.

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FARE has made the following recommendations for the final BOSE:

1. An additional ‘expectation regarding safe use’ that online platforms proactively minimise the extent to which marketing material, methods and models, might be harmful.
2. Expanded ‘expectations regarding certain material and activity’ that address a wider set of factors that impact whether the online environment is safe for everybody, including digital marketing of harmful and addictive products such as alcohol.
3. An additional ‘expectation regarding reports and complaints’ that online platforms have clear and readily identifiable mechanisms that enable users to report, and make complaints about, additional material they find to be harmful (i.e. that is not captured in Division 4 (13) of the BOSE). This should include a corresponding additional ‘expectation regarding dealings with the Commissioner’ that online platforms will provide requested information to the Commissioner, relating to this additional expectation.
4. An additional ‘expectation regarding making certain information accessible’ that online platforms make information accessible about the use of automated decision systems to make predictions, recommendations, or decisions about which, and how, marketing content is sent to individuals.

To see the full list of recommendations, read the submission:

[view submission](https://fare.org.au/wp-content/uploads/Basic-Online-Safety-Expectations_FARE-Submission_Final.pdf)

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