**Submission in response to the Australian Government
Online Safety Legislative Reform Discussion Paper**
19 February 2020

1. About us

ALIA

The Australian Library and Information Association is the professional organisation for the Australian library and information services sector. On behalf of our 5,000 personal and institutional members, we provide the national voice of the profession in the development, promotion and delivery of quality library and information services to the nation, through leadership, advocacy and mutual support.

National, State and Territory Libraries

There are nine National, State and Territory Libraries, located in capital cities around Australia, attracting more than 9.5 million physical visitors each year, and holding collections valued at $4.1 billion.[1] These libraries also have a high-profile online presence, with more than 47 million visits to their websites per annum, including visits to Trove, the National Library of Australia's platform containing a wealth of newspaper articles, journals, books, images and other cultural assets.[2] Online collections include social media and website archives, collated in the National Library's PANDORA database.[3]

Australia's public library network

Australia has more than 1600 central, branch and mobile libraries, with 9.3 million registered members and more than 114 million customer visits each year. Offering books, magazines, newspapers, DVDs, WiFi, PC internet access, learning programs, fun activities and expert staff help, they are a much loved, highly regarded and trusted community resource. In 2016-2017, the number of public access internet devices provided by public libraries nationally grew to 13,531.[4]

Over the last 20 years, public libraries have increased their role in the digital space, enhancing people's online experiences, helping people connect to this new virtual world, and providing a safety net for those who are in danger of being left behind, particularly in terms of the ability to access government information.

[1] https://www.nsla.org.au/index.php/about
[2] https://trove.nla.gov.au/
[3] http://pandora.nla.gov.au/
[4] https://www.nsla.org.au/sites/default/files/documents/aust_pub_lib_stats_report_2016-17_final_8.pdf

Education and special libraries

In addition to our National, State, Territory and public libraries, there are approximately 9,400 school libraries, 2,000 special libraries (health, law, government, corporate, heritage, arts, media) and 450 university and TAFE libraries. Nearly all libraries have an online presence and most provide internet-enabled devices for their users.

2. A new Online Safety Act

We welcome the opportunity to comment on the Australian Government's Online Safety Legislative Reform Discussion Paper and were pleased to participate in the Online Safety Forum, in Canberra, on 11 February. These are our overarching comments:

- We applaud the move to bring together existing measures in a single framework and support the expansion of the role of the Office of the eSafety Commissioner, in order to strengthen its role as the primary agency for the protection of all Australians online.
- We recognise the challenge of achieving consistency across all online services and platforms, and devising legislation which is tech-neutral, remaining relevant in a rapidly advancing environment.
- We fully endorse the need to protect people who are often vulnerable or at risk.
- We acknowledge the balance required to tackle harmful online content while ensuring freedom of expression and freedom of speech.

3. Specific areas of concern regarding legislation

3.1 Unintentional consequences of legislation

Libraries are intermediaries, providing PCs, WiFi, and through these, high speed internet access, for millions of users every year. These services are free at the point of use and there is no commercial gain. For libraries, accountability is a concern. We cannot be responsible for how our library patrons use public terminals and we have limited capacity to put in place remedial action should it be required.

The legislation will be designed with the major social media platforms, websites and messaging services in mind. We seek assurance that the role of smaller government and civil society organisations will be taken into consideration to avoid inadvertent consequences of a new Act, which would make unreasonable demands on libraries.

3.2 Digital content.

As described earlier, our collecting institutions harvest the web and online platforms in order to create a record of the times. Online content and social media are part of the human record, which libraries and other cultural institutions collect and preserve for future generations. Libraries have worked productively with the Office of the eSafety Commissioner to consider potential harm from archived digital content. In 2019, for example, the National Library of Australia worked with the Office to develop a set of take-down protocols relating

to content in the publicly available, fully text searchable Australian Web Archive. The protocols have proven to be robust and effective.

3.3 Reporting requirements

Public libraries would like clarity about legislated reporting requirements for institutions hosting publicly accessible internet devices. One example is if a library staff member witnessed a breach on a public PC, would it be a similar obligation to when a staff member witnessed child or elder abuse? This requirement would need to be taken into account by libraries when drafting policies and procedures, and it would be factored into staff training.

3.4 Relationship with other legislative reform

We are in discussions with the Classification Branch of the Department of Infrastructure, Transport, Regional Development and Communications about possible ways to free up availability of films in languages other than English (LOTE) in libraries. This has been seriously constrained by the lack of an economic return for our suppliers. Putting a foreign language film, which will be sold in small quantities to libraries, through the Classification process removes much of the profit margin. One of the possibilities could be some form of self-classification for libraries. However, we would not want this new responsibility, if it were to arise, to increase our liability in the area of online safety. This would be an unfortunate inadvertent consequence of the legislation.

4. The role of the Office of the eSafety Commissioner

We have been closely involved with the Office of the eSafety Commissioner since its first iteration. ALIA has promoted the role of the Commissioner; libraries have been highly active partners in the eSafe Spaces and Be Connected programs. We have found the Office to be a knowledgeable, expert resource and an effective delivery partner.

Creating an agency at a federal level to handle online safety has helpfully created a focal point for libraries and other organisations. However, there is still confusion created by the multiplicity of Departments and agencies running related programs and campaigns such as Stay Smart Online, ReportCyber, ScamWatch, National Scams Awareness Week.

While this confusion does create a degree of muddle and overlap, the number of agencies active in this space results in additional pockets of funding for public awareness which we would be reluctant to lose.

5. In conclusion

ALIA and our library members are generally in favour of the approach to Online Safety Legislative Reform described in the Discussion Paper but we appreciate the opportunity to voice our specific concerns. We look forward to further involvement as the consultation moves into the next phase.

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