

Finance and Public Administration Committee

QUESTION ON NOTICE

Administration of the referendum into an Aboriginal and Torres Strait Islander Voice

Division/Agency Name: Office of the eSafety Commissioner

Hansard Reference: Spoken, Page No. 34 (4 May 2023)

Topic: eSafety – eSafety complaint data during Indigenous round

Senator Colbeck asked:

Senator STEWART: Thank you. You talked a bit about the adult threshold being high. What's available for those under the age of 18? You talked about First Nations young people under the age of 18 [inaudible].

Mr Dagg : Under the Children's eSafety Commissioner back in 2015 was a scheme dealing with children's cyberbullying. That was a scheme that the original commission was wrapped around. That is a scheme which provides for a more flexible approach to achieving the removal of material. When material is seriously intimidating, harassing or threatening, are we able to act? The thresholds are very different, and they also take into consideration some of the characteristics of the child. Not only does the scheme provide us with the ability to require removal of material; but in certain cases we can require an end user who's responsible for posting the material to do things, including to remove the material, stop posting the material—which has recently been used successfully—and, in certain cases, apologise. We work very closely with schools, parents and communities to support the operation of that scheme, and it is pitched at a fundamentally different level than the Adult Cyber Abuse Scheme.

CHAIR: Mr Dagg, could you possibly, on notice, provide to the committee a chart or graph that maps the increase in frequency of issues around the Indigenous Round for us? I don't know what length of cycle you might have for that data, but could you give us a chart for that which looks at, say, each of the last three or four years?

eSafety response:

eSafety's collection of data about adult cyber abuse complaints was formalised with the commencement of the *Online Safety Act 2021* (Cth) ('OSA') on 23 January 2022.

A key feature of the OSA is a scheme dealing with cyber abuse targeting an Australian adult.

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Material will be cyber abuse if it is posted on a service such as a social media service, if it targets a particular Australian adult, if it is intended to cause serious harm, and if it is menacing, harassing or offensive in all the circumstances.

Since the commencement of the OSA, **an average of 5%** of all cyber abuse complaints to the eSafety Commissioner are made by Australian adults who are Aboriginal or Torres Strait Islander. During the January – March 2023 quarter this **rose to 5.6%**.

In 2022, the AFL Indigenous Round took place between 27 May and 3 June. During this week, **13.2% of all adult cyber abuse complaints** were made by Indigenous Australian adults.

eSafety provided informal assistance to the AFL during Indigenous Round events held in 2020 and 2021.

The assistance was provided in response to a request from the AFL for support given clubs' concerns about increases to racist, derogatory and threatening material posted about and sent to Indigenous players during the Round. It mainly consisted of making informal removal requests to social media providers in cases where eSafety believed specific material may breach relevant terms of service.

ENDS