

## Questions on Notice

### 1. Snapshot of eSafety's most recent complaints and reporting statistics

The following table provides an overview of eSafety's quarterly comparison figures for its complaints and reporting schemes.

It demonstrates the significant increase eSafety has seen across all its reporting schemes between 2019-19 and 2019-20.

Complaint type	Quarter 4 (April- June 2020) % change: total reports 2018-19 vs 2019-20		
	2018-19	2019-20	% change
Child cyberbullying	170	203	+19
Adult cyber abuse	243	372	+53
Image-based abuse	337	1199	+255
Online content	2948	5779	+96

**2. As national governments around the world are tackling these issues, what would you suggest, being the world's only eSafety Commissioner at this point? What is the role of government, if any, now to communicate with major platforms and try to remedy a situation that is now out of control?**

As part of a whole of community approach, governments play a vital and increasingly important role in addressing online safety. For eSafety, this includes providing a critical safety net to help Australians address online harms.

Online safety requires a multifaceted approach that draws upon social, cultural, technological and regulatory measures. It is important to consider the unique role government can play across all these measures.

As the only national independent regulator for online safety in the world, eSafety's broad regulatory remit and powerful combination of functions and powers is gaining attraction globally.

Particular attention is being paid to eSafety's statutory reporting schemes, as set out under the *Enhancing Online Safety Act 2015* (Cth). These schemes offer Australians practical help in managing the impact of cyberbullying, image-based abuse and exposure to prohibited or potentially prohibited online content.

Under these schemes, eSafety can formally direct certain online service providers to remove content from their services, thus empowering victims of online abuse to take control and help reduce harm and re-victimisation. While the schemes are largely operating as a cooperative model between government and industry, the powers available to eSafety to compel the removal of material provide a critical safety net and compel industry to be proactive in addressing online harms.

eSafety recognises, however, that change cannot take place through regulation alone.

eSafety's most recent research released in September 2020, *Building Australian adults' confidence and resilience online*, showed an overwhelming majority of Australians want technology companies to do more to address online harm and promote online safety.

While three quarters of Australians (75%) agree that technology companies have a responsibility for people's online safety, only one quarter (23%) think that companies such as social media, gaming and app developers are doing enough to build safety features into their services and products.<sup>1</sup>

Launched in 2018, Safety's Safety by Design (SbD) initiative encourages and assists industry to take a proactive and consistent approach to user safety. It emphasises the need to address online harms, alongside user safety and rights, across the entire product development lifecycle. It is a global initiative that has been developed with industry for industry, while also encouraging strong links between government, industry and advocacy organisations.

eSafety is currently developing a framework of SbD resources, including a set of SbD self-assessment tools. These tools are intended to assist, guide and support industry players,

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<sup>1</sup> eSafety, *Building Australian adults' confidence and resilience online*, September 2020, page 7, [https://www.esafety.gov.au/sites/default/files/2020-09/Digital%20Confidence%20report\\_0.pdf](https://www.esafety.gov.au/sites/default/files/2020-09/Digital%20Confidence%20report_0.pdf)

ranging from small to large, to implement SbD more effectively, sustainably and with greater impact.

eSafety understands that online harm is predominantly a cultural and social issue, rather than a technological one. eSafety seeks to drive the long-term and sustained social and cultural change required to address online safety through a focus on awareness-raising, education, research and best practice guidance.

There is global recognition of the need to foster responsible technology that takes a holistic view of safety and considers the broader societal impacts of online products and services. As such, strategic collaboration at the local and global level is critical to address the three normative forces that shape and guide the development of the online world: digital ethics, digital governance and digital regulation. There needs to be harmonisation across jurisdictions to avoid patchwork and fragmented online safety legislation, governance arrangements and national online safety measures.

Lastly, as part of consultation process that commenced in December 2019 and concluded in February 2020, proposed reforms to Australia's existing online safety legislative framework are anticipated to expand eSafety's powers.

It is proposed that a new Online Safety Act would include a set of 'Basic Online Safety Expectations' (BOSE) that would articulate baseline expectations for all social media services (with possible extension to other types of services in the future). Under the proposal, eSafety would have the power to require large services and those on which harm is prevalent to produce transparency reports on their actions in upholding the BOSE.

It is also proposed that a new cyber abuse scheme be introduced to facilitate removal of abusive material targeting adults. There would also be an ancillary service provider scheme, providing eSafety with the capacity to disrupt access to seriously harmful online material made available via search engines, app stores and other ancillary service providers.

The proposed adult cyber abuse scheme would provide a 'safeguard for serious instances of online harassment and humiliation, cyberstalking including threats to cause harm, or online abuse experienced as part of domestic and family violence.'<sup>2</sup>

These additional legislative changes would provide eSafety with further tools to tackle online harms and assist in driving long-term, systemic change, including in the context of domestic and family violence.

While the challenges of making the internet safer are numerous and ever-changing, they are not insurmountable. Having a national independent regulator for online safety, with the appropriate functions, powers and resources, is one of the most important ways governments can remain responsive, flexible and innovative in dealing with rapidly evolving online issues.

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<sup>2</sup> Department of Communication and the Arts, Online Safety Legislative Reform: Discussion Paper, page 32, December 2019, <https://www.communications.gov.au/have-your-say/consultation-new-online-safety-act>