

Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
Committee Inquiries Question on Notice

Parliamentary Joint Committee on Law Enforcement  
Inquiry into law enforcement capabilities in relation to child exploitation

IQ22-000146

**Division/Agency:** Office of the eSafety Commissioner

**Hansard Reference:** Written (21 November 2022)

**Topic:** eSafety - Child Exploitation content

**Mr Sam Lim MP asked:**

- Mr. Dagg, my question relates to online porn sites. Child Exploitation content is appearing on online porn sites. Do you believe having an age and ID verification as a prerequisite to enter these sites could potentially deter people from accessing CSEM, by also curbing the access to other types of harmful and unethical sex acts that are filmed and posted online?
- Mr. Dagg, I want to give you an opportunity to comment – is there anything that we have not asked you that you may want to include as part of these hearings? I would appreciate any further input you may have.

**Answer:**

Age and identity verification are different processes. A service provider can verify or estimate a person's age without ascertaining their identity.

eSafety's submission to the Select Committee Inquiry into Social Media and Online Safety explains the different challenges and benefits of ascertaining a person's age or identity and the processes by which online services can do this:

([https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Former\\_Committees/Social\\_Media\\_and\\_Online\\_Safety/SocialMediaandSafety/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Social_Media_and_Online_Safety/SocialMediaandSafety/Submissions)).

These processes can be conducted on pornography sites in relation to those seeking to access content, those seeking to contribute content, or both.

In relation to those seeking to access adult content online, eSafety is developing a roadmap for government. The roadmap will explore if and how a mandatory age verification mechanism or similar could be practically achieved in Australia to reduce children's access to online pornography.

The focus of the roadmap is online pornography depicting or describing adults engaged in consensual sexual behaviour. The issue of limiting access to child sexual exploitation and abuse material is not within scope, appropriately, given the criminal offences that already apply to accessing such content.

During eSafety's consultations supporting development of the roadmap, stakeholders have provided views on how both age and identity verification processes might be applied to those contributing adult content to online pornography sites. The measures could be used to prevent offenders from uploading of child sexual exploitation material. Some adult platforms already implement similar measures, including Pornhub and OnlyFans.

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eSafety supports services implementing proactive measures which are safe, private and secure to prevent and address serious online harms such as the distribution of child sexual exploitation material.

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**IQ22-000145**

**Division/Agency: Office of the eSafety Commissioner**

**Hansard Reference: Spoken, Page No. 19 (15 November 2022)**

**Topic: eSafety - Statutory obligation for Twitter**

**Senator Shoebridge asked:**

Senator SHOEBRIDGE: But in relation to the 8 November correspondence: you send the letter; there's no statutory obligation for Twitter to respond; they have sacked most of the people who probably should respond. So what are your expectations?

Mr Dagg: Happily, we've had some productive conversations with Twitter since then, both their local and their regional representatives, so I'm pleased to say we've re-established those connections.

Senator SHOEBRIDGE: So you had someone answer the phone.

Mr Dagg: Yes.

Senator SHOEBRIDGE: Can you identify who that is and what their role is in Twitter? If not who that is, what their role is? What's their seniority?

Mr Dagg: That's not information that I will be able to provide to the committee immediately.

**Answer:**

eSafety has been in contact with Twitter's new Head of Public Policy, Australia & New Zealand.

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**IQ22-000144**

**Division/Agency: Office of the eSafety Commissioner**

**Hansard Reference: Spoken, Page No. 20-21 (15 November 2022)**

**Topic: eSafety - Material on notice**

**Senator Polley asked:**

CHAIR: Our previous witnesses—I'm not sure if you were in the room at the time—spoke about how this issue should be dealt with as a health issue. What are your views in relation to that? Obviously we all strongly believe it's a crime, but how would you perceive it being dealt with as a health issue and people have a potential that is driven by a health condition as to why they access this type of material?

Mr Dagg: I think it's often been said we can't arrest our way out of this problem, nor can we regulate our way out of this problem. Taking a prevention-first approach is fundamental to the way the eSafety Commissioner operates. That's targeting the general populace through a public health model of general awareness, then also focusing on the cohorts that are at risk or particularly vulnerable to exploitation and abuse online with prevention information. We're also supportive of efforts to create mechanisms by which those who are likely to access child abuse material are provided prevention messaging and an opportunity to disclose what's happening in their lives for the purpose of being diverted away from that path. There's a very pleasing pilot being conducted in Australia that is based on the Stop It Now! model. We're

in the community of advisers that help guide the program.

CHAIR: Would you be able to provide that material on notice? That would be excellent. Is there anything from you, Ms Gannon, in relation to the department's view?

Ms Gannon: I don't think we have anything further to add, Chair, but thank you

**Answer:**

Stop It Now! is a child sexual abuse prevention pilot program funded by a one-off Westpac grant under Westpac's Safer Children, Safer Communities Grants Program. The pilot is led by Jesuit Social Services, in collaboration with the University of Melbourne. It focuses on a gap identified by the Royal Commission into Institutional Responses to Child Sexual Abuse in relation to preventative interventions for potential perpetrators. The program aims to work with adults concerned about their own, or someone else's sexual thoughts or behaviours towards children and includes online behaviours. The pilot's outcomes will be considered by the Australian Government (via the National Office for Child Safety) as it designs and implements a new national child sexual abuse offending prevention program. The Attorney-General's Department response to IQ22-000231 provides further information.

The committee can find information about the Stop It Now! Initiative on its website

<https://www.stopitnow.org.au/>.

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**IQ22-000143**

**Division/Agency: Office of the eSafety Commissioner**

**Hansard Reference: Spoken, Page No. 18 (15 November 2022)**

**Topic: eSafety - Complaints in relation with Twitch**

**Senator Shoebridge asked:**

Senator SHOEBRIDGE: But what I'm putting to you is this: you've basically got the kind of information you want settled in the various correspondence. What are the extra resources in simply asking the same of another global platform that we know is targeted by predatory accounts like Twitch? What's the resistance?

Mr Dagg: There's no resistance, Senator. This is a list that was formulated, as I said, on our assessment of statutory criteria using our own data and input from a number of key stakeholders, most notably the Australian Federal Police.

Senator SHOEBRIDGE: Are you saying there were no complaints from the AFP in relation to Twitch?

Mr Dagg: No, I'm not saying that. I'm saying that this list is prioritised on the basis of that input.

Senator SHOEBRIDGE: Can you provide us, if you've got the material now, with what level of complaints, what numbers of complaints there are in relation to Twitch that the eSafety Commissioner has received?

Mr Dagg: I'm happy to take that on notice.

**Answer:**

In total, eSafety has received 35 complaints about Twitch since commencing operations as the Children's eSafety Commissioner in July 2015. The breakdown per statutory scheme is shown below:

Children's Cyber-bullying Scheme – 5 complaints from 1 July 2015 (commencement date for the scheme) to 15 November 2022.

Online Content Scheme – 22 complaints from 1 July 2015 (commencement date of the scheme under eSafety) to 15 November 2022.

Image-Based Abuse Scheme – 1 complaint from 1 September 2018 (commencement date of the scheme) to 15 November 2022.

Adult Cyber Abuse Scheme – 7 complaints from 23 January 2022 (commencement date of the scheme) to 15 November 2022.

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**IQ22-000142**

**Division/Agency: Office of the eSafety Commissioner**

**Hansard Reference: Spoken, Page No. 17-18 (15 November 2022)**

**Topic: eSafety - Notices that were issued to those entities**

**Senator Shoebridge asked:**

Senator SHOEBRIDGE: Mr Dagg, I have no issue at all with you raising concerns with the likes of Apple, Meta, Microsoft, Snap and Omegle. You're pushing against an open door there. Well done; that's good. But for the life of me I can't work out why you didn't include Amazon's Twitch. Is it simply you're waiting for the complaints to come in before you take proactive action?

Mr Dagg: No, these were prioritised on the basis of our assessment of our data in part against those statutory criteria. And it's worth saying too, Senator, that this was just the first wave of BOSE notices too. There are subsequent waves coming, and we'll be instituting periodic reporting notices in due course.

Senator SHOEBRIDGE: Can you provide to the committee on notice the actual notices that were issued to those entities?

Mr Dagg: I'll need to take that on notice and it give consideration. If we can provide that we certainly will.

Senator SHOEBRIDGE: I'm assuming they're of a fairly standard type. You've worked out what the questions are; you've worked out what the issues are. There's a degree of similarity between what you're asking Apple, Meta, Microsoft, Snap and Omegle.

Mr Dagg: There may be some information in those notices that we'll need to consider in relation to confidentiality.

**Answer:**

As the Committee knows, eSafety is in the middle of a critical consultative process involving all seven companies in the initial BOSE phase. This process involves a number of sensitivities, and we would ask that the Committee consider accepting a response to this Question on Notice once it is finalised.

eSafety notes that Schedule B to each notice sets out the specific question set asked of each provider, along with a template for responses. eSafety has concerns that any disclosure of the Schedule B materials could prejudice or become a catalyst for future legal proceedings.

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While there are no legal proceedings currently on foot, there is a risk of judicial review proceedings (for example, if a provider considers it has not been afforded procedural fairness regarding the decision to give the notice or publish a summary of response) or proceedings to prevent publication of the summaries if a provider wishes to challenge the use of our powers to disclose information contained in the summaries.

Finally, eSafety has concerns that the Schedule B materials, if published, could provide operational intelligence to offenders that would aid the circumvention or abuse of safety technologies. We would ask that, when the response to this Question on Notice is provided by eSafety to the Committee, the information not be published.

We hope to be able to provide a response to the Committee by the end of 2022.

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**IQ22-000141**

**Division/Agency: Office of the eSafety Commissioner**

**Hansard Reference: Spoken, Page No. 12 (15 November 2022)**

**Topic: eSafety - Full-time equivalent**

**Senator Shoebridge asked:**

Senator SHOEBRIDGE: Thanks for your attendance today. And, Mr Dagg, I want to thank your office for the work that you do with the small resources you have to hand. I think your total staff is something in the order of 200—is that right?

Mr Dagg: That's right.

Senator SHOEBRIDGE: And that's full-time equivalent?

Mr Dagg: It's a mixture of contractors and APS staff.

Senator SHOEBRIDGE: Perhaps you could give us, on notice, what that mix is.

Mr Dagg: Yes, certainly; I can do that.

**Answer:**

As at 30 September 2022, eSafety employed 196 staff, comprising:

- 116 APS staff
- 80 contractors.