Digital Australia

9 in 10 Australian adults accessed the internet at least once in the six months to May 2018.

74 % went online 3 or more times a day.

97% of households with young children have internet access.

An average of 7 devices per household.

7 in 10 use social media

- 97% of 18-24 year olds (highest usage)
- 36% of 65 years and over (lowest usage)

As at 30 June 2018, **35 million** mobile phones in operation.

Population of ~ 25 million.

Internet regulation in Australia – a brief history

- Australia introduced an **Online Content Scheme** in 1999, and later expanded this in 2007 to deal with new means of accessing offensive and harmful content.

- Amended our **Criminal Code** in 2004 to make it an offense to use a telecommunications service to menace, harass or cause offence.

- Change of approach in 2015 with establishment of the Office of the **Children's eSafety Commissioner,** expanded in 2017 to include protection for all Australians.

- The **eSafety Commissioner**:
  – Promotes online safety for Australians
  – Coordinates activities across the Australian Government relating to online safety
  – Investigates complaints about internet content, including:
    - Cyber-bullying material targeted at an Australian child; and
    - Non-consensual sharing of intimate images.

Australian Government response to the Christchurch Attacks

In the aftermath of the Christchurch terrorist attacks the Australian government took two key actions to address terrorist and extreme violent content online:

Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019	Obligation on internet, content and hosting service providers to refer streamed or recorded abhorrent violent material to the Australian Federal Police, if that material has occurred, or is occurring, in Australia.
	Expeditious removal of abhorrent violent material by content and hosting service providers, where that material is accessible within Australia through their services.
	Gives the eSafety Commissioner a new power to issue a notice stating that a content or hosting service is being used for abhorrent violent material.
Taskforce to Combat Terrorist and Extreme Violent Material Online	Joint industry and Government taskforce.
	Published report on 30 June 2019 outlining 9 key actions for industry and government.

International engagement
Taskforce to Combat Terrorist and Extreme Violent Material Online

Prevention

Transparency

Deterrence

Detection & Removal

Capacity Building

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The need for reform

- The rapid pace of technological change and the emergence of new platforms and services has seen online harms manifest in new ways.

- In 2018 the Australian Government initiated an **independent review** of the **statutory framework** governing online safety – the **Briggs Review**

- **Briggs review recommended**:

  – Significant and wide ranging changes to the online safety system

  – Setting out the new norms and standards for the online world

  – Establishing new regulatory arrangements to put them into practice.

Safety by Design

eSafety Commissioner | Australian Government

The safety and rights of users are at the centre of the design, development and deployment of online products and services.

Three principles

- Service provider responsibilities.
- User empowerment and autonomy.
- Transparency and accountability.

Building on strong foundations

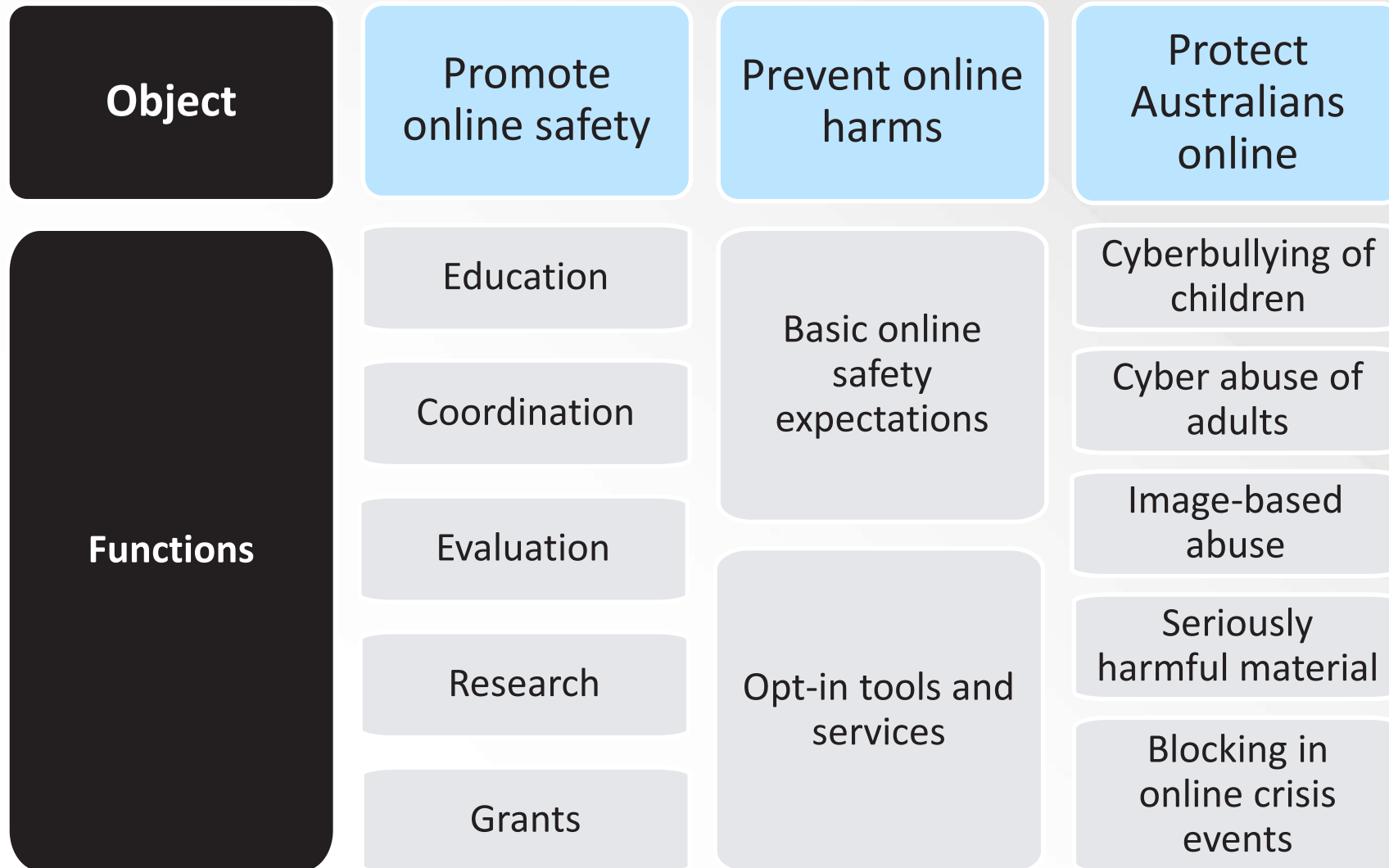**1999:** Establishment of the "Online Content Scheme" to regulate harmful online content.

2015: Establishment of the Children's eSafety Commissioner (eSafety) and take-down scheme for cyberbullying of Australian children

2017: eSafety's remit expanded to include all Australians

2018: New legislation establishes a take-down scheme for image-based abuse

2019: eSafety given new powers to address terrorist and extreme violent material

2020: New Online Safety Act

Framework for a new Online Safety Act

Object	Promote online safety	Prevent online harms	Protect Australians online
Functions	Education	Basic online safety expectations	Cyberbullying of children
	Coordination		Cyber abuse of adults
	Evaluation		Image-based abuse
	Research	Opt-in tools and services	Seriously harmful material
	Grants		Blocking in online crisis events

What's being proposed?

Element of new online safety legislation	Difference from existing legislative framework
Basic Online Safety Expectations	**Significant expansion** of current 'basic online safety requirements'
Cyberbullying of children	Expansion to a broader range of services and actions the eSafety Commissioner can take Shorten time to comply with take-down notices from 48 to 24
Cyber abuse of adults	**New scheme.** Higher 'harm' threshold than for children
Image-based abuse	Minor changes including shortening time to comply with take-down notices from 48 to 24
Seriously harmful material	Significant changes to current legislation including extraterritorial powers for eSafety to issue take-down notices
Opt-in tools and services	Migration of current legislation (Schedules 5 and 7 to the Broadcasting Services Act 1992)
Blocking in online crisis events	**New scheme.** An interim scheme was adopted after the Christchurch terror attacks on 15 March 2019 using the Telecommunications Act 1997.
Ancillary service provider notice scheme	**New scheme.** Gives eSafety the ability to work with a broader range of online services (inc. search engines and digital distribution platforms) to reduce access to harmful online content and conduct.

Questions

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