



12 February 2021

Online Safety Branch, Content Division
Department of Infrastructure, Transport, Regional Development and Communications
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ACCAN thanks the Department of Infrastructure, Transport, Regional Development and Communications for the opportunity to provide a submission to the Consultation on a Bill for a new Online Safety Act.

In the context of a rapidly changing technological landscape, it is vital that regulations and policy settings are continually revised to ensure that consumers continue to be protected. The emergence of new platforms and services means social media platforms are now just one avenue via which consumers can potentially be exposed to abuse and harmful content.

ACCAN welcomes the overall intent of the Bill, and in particular the following aspects:

- Introduction of a cyber-abuse take down scheme for Australian adults and an expanded cyber-bullying scheme, and empowerment of the eSafety Commissioner to order the removal of seriously harmful online abuse.
- Expansion of the existing children's cyber-bullying scheme beyond social media to enable the removal of material from the full range of online services where children are now spending time, including messaging apps, interactive games, websites and live-streaming, messaging and hosting services.
- Reduction of the timeframe for online service providers to take down image-based abuse, cyber-abuse, cyber-bullying and seriously harmful online content from 48 to 24 hours.
- Empowering the eSafety Commissioner to require search engines and app stores to remove access to websites and apps which refuse to comply with take down notices for class 1 material under the online content scheme (e.g. child sexual abuse material).

Australian Communications Consumer Action Network (ACCAN)
Australia's peak body representing communications consumers

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- Enforcement via civil penalties for service providers who fail to comply with take down notices and eSafety Commissioner requirements. Although public reporting and/or reporting on specific items to the eSafety Commissioner is an important aspect of regulation, sanctions for non-compliance are essential for the scheme to be adhered to.
- Granting the eSafety Commissioner the new rapid website blocking power for websites hosting abhorrent violent or terrorist material during an online crisis event.

As consumers increasingly access the internet via their mobile phones, ACCAN supports the regulation of online content to protect consumers. ACCAN therefore approves of the following elements of the Online Safety Bill:

- The introduction of a set of legislated Basic Online Safety Expectations to assist the Communications Alliance and others in the telecommunications industry to provide adequate online protection for consumers.
- Updating Australia's Online Content Scheme to better reflect the modern digital environment, requiring sections of the technology industry to create new and strengthened industry codes to meet Government expectations of consumer safety.

More broadly, ACCAN is pleased that the Online Safety Bill shifts the onus of responsibility from consumers back onto online platforms and services. Minimum standards for pre-emptive and preventative action will offer protection for all consumers, including those who are most vulnerable. These include children whose increased use of social media and networked gaming makes the currently inadequately regulated landscape a playground for online paedophiles and online cyber bullying. It also extends these protections to older people who are increasingly forced to access services online and remain socially connected via technology, but who may not be aware of potential threats or how to manage them.

ACCAN also welcomes the expansion of the role of eSafety Commissioner to strengthen consumer protection against online harms, provided the eSafety Commissioner is funded adequately to effectively assume these additional responsibilities.

However, ACCAN is mindful of the importance of robust processes to mitigate against the risk of unintended consequences of a take-down order, to avoid situations where websites are incorrectly blocked, or the wrong content removed, as has happened in the past. We also support the inclusion of an avenue for appeal to allow the content provider or end user

responsible for the sharing of the material to object to the take down notice. We note that Section 220 of the draft Bill allows removal notices issued by the eSafety Commissioner to be reviewed in the Administrative Appeals Tribunal, and urge that this avenue of appeal be as streamlined and easy to access as possible.

Yours sincerely

A handwritten signature in black ink that reads "Teresa Corbin". The signature is written in a cursive style with a prominent underline at the end.

Teresa Corbin
Chief Executive Officer