



Online Safety Branch
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Consultation on a Bill for a new Online Safety Act The Carly Ryan Foundation Submission

Introduction

1. The Carly Ryan Foundation is a not-for-profit, registered harm prevention charity created to promote internet safety and prevent crime against children under the age of 18 years. The Foundation supports families and the community through education, awareness, engagement, harm prevention, promotion and political advocacy.
2. The Foundation's mission is to make the internet safer for children and families. We have pioneered efforts to raise public awareness about the dangers of harmful internet pornography, sexual predators, cyber bullying and other online threats. We create solutions that promote shared responsibility between the public, technology and the law. We stand for a community where all people are respected and valued, for a child's innocence is to be protected and for a society free from online sexual exploitation of youth.
3. We welcome the government's commitment to the protection of the Australian community through the development of a new Online Safety Act. Australia leads the rest of the world in this space following the establishment of the eSafety Commissioner through the Enhancing Online Safety Act 2015 (Cth), and the Foundation is proud to have been part of this process. We are grateful for the opportunity to again be able to provide the Foundation's perspective on how the government can build on the success of the eSafety Commissioner and continue to make the online lives of Australians safer.
4. The Foundation will provide comments following the themes set out in the Reading Guide for the Bill.

Basic Online Safety Expectations (BOSE)

5. The inclusion of new powers for the eSafety Commissioner to require service providers to report on compliance with the BOSE is welcomed. The Foundation noted in its submission to the initial consultations that industry has long had the opportunity to self-regulate. The intervening years have shown an unwillingness to do so proactively; consequently, the eSafety Commissioner should have the ability to compel service providers (where required) to show that they are cognisant of children's experiences using their services and proactively ensure that the experience is safe.
6. In particular, the Foundation supports the Commissioner being able to notify the public about a service provider's compliance with the BOSE. This will allow parents and carers (including school communities) to be informed about the safety of services children in their care may be accessing.

Cyber-bullying Scheme

7. Enhancements to the current scheme are entirely appropriate; it acknowledges that the digital landscapes children and young people play in are varied, and that digital hang-outs will change over time.
8. The reduction of time to take down cyber-bullying material to within 24 hours is not onerous. The Foundation argues that any service provider who believes this is oppressive fails to recognise their responsibility in conducting a business with an online presence. Take-down notices are not flippant; it is not like a user has emailed to say there is a spelling error on a webpage and should be corrected. It should not be viewed as an administrative task that impedes on profit-making. Take-down notices relate to content that is *causing harm*, and justifiably require swift action.

Adult Cyber-abuse Scheme

9. The Foundation commends the inclusion of this new scheme. Safety nets should not fall away simply because you have turned 18; this kind of thinking fails to acknowledge that adults remain vulnerable to predation and/or harassment due to mental health challenges, disability, relationship breakdown, ethnicity, gender, race or simply because they were on the wrong platform at the wrong time.

Image-based Abuse Scheme

10. As previously stated, amending removal notice compliance from 48 hours to 24 hours is an appropriate response and welcome enhancement of the current scheme.

Online Content Scheme

11. The changes to this scheme reflect that Australians do not access the internet in a vacuum, and that international service providers should also be held accountable for content accessed by Australians. The Foundation welcomes these enhancements in the effort of protecting Australian children and young people online.

Abhorrent Violent Material Blocking Scheme

12. The above scheme is an appropriate extension of the eSafety Commissioner's powers.

Governance

13. The Foundation supports enhanced governance arrangements for the eSafety Commissioner.

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