

Delegation

Enhancing Online Safety Act 2015 (Cth)

1. Commencement

This instrument commences on the day that it is made.

2. Interpretation

In this instrument, unless the contrary intention appears:

- (a) ACMA means the Australian Communications and Media Authority;
- (b) Act means the *Enhancing Online Safety Act 2015 (Cth)*;
- (c) a reference to a delegation to exercise a power or perform a function includes a delegation to refuse to exercise or perform that power or function;
- (d) Commissioner means the eSafety Commissioner, established under section 14 of the Act;
- (e) EL 2 means a position with the classification of Executive Level 2 specified in the *ACMA Enterprise Agreement 2017-2020* or any later instrument that determines the terms and conditions of employment of staff of the ACMA; and
- (f) 'SES1' means a member of the staff of the ACMA who is a Senior Executive Service Band I in accordance with the *Public Service Act 1999 (Cth)*.

3. Delegation

I, Julie Inman Grant, Commissioner, acting under section 63 of the Act:

- (a) DELEGATE, subject to subsections 1-3, the powers and functions specified in columns 1 and 2 of each item of Schedule A to each person for the time being holding, occupying or performing the duties of an office or position specified in column 3 of the same item.

4. Limitation on delegation - powers not exercisable while on leave or suspended

The delegation of powers and functions to the persons specified in section 63, subsection 1 is limited to the exercise of the relevant powers and functions while the person is a member of the staff of the ACMA but not while absent on leave, or suspended from, the ACMA.

5. Limitation on delegation - exercisable only for specified section

Where an entry appears in column 1 of the relevant row of Schedule A, the relevant delegation under section 63, subsection 1 may only be exercised for the purposes of the section specified in the relevant row of the columns.

6. Delegate must comply with directions given under section 63 of the Act

A delegate under subsection 1 must comply with any written direction given to the delegate under section 63 of the Act.

Dated: 10/4/2019



Julie Inman Grant
eSafety Commissioner

Schedule A

Delegations of powers and functions under the *Enhancing Online Safety Act 2015* (Cth) for the purpose of the *Criminal Code 1995* (Cth):

Item	Column 1 Provisions	Column 2 Description of powers and functions	Column 3 Delegates	Column 4 Limitations
	Subsection 474.35	Notice issued by eSafety Commissioner in relation to a content service—presumptions		
1	Subsection 474.35(1)	The eSafety Commissioner may issue a written notice stating that, at the time the notice was issued: (a) a specified content service could be used to access specified material; and (b) the specified material was abhorrent violent material.	SES1 EL2	
2	Subsection 474.35(3)	As soon as practicable after issuing a notice under subsection 474.35(1), the eSafety Commissioner must give a copy of the notice to the person who provides the content service concerned.	SES1 EL2	
	Subsection 474.36	Notice issued by eSafety Commissioner in relation to a hosting service—presumptions		
3	Subsection 474.36(1)	The eSafety Commissioner may issue a written notice stating that, at the time the notice was issued: (a) specified material was hosted on a specified hosting service; and (b) the specified material was abhorrent violent material.	SES1 EL2	
4	Subsection 474.36(3)	As soon as practicable after issuing a notice under subsection 474.36(1), the eSafety Commissioner must give a copy of the notice to the person who provides the hosting service concerned.	SES1 EL2	