An overview of eSafety's role and functions

July 2021

Overview of eSafety

The eSafety Commissioner (eSafety) was established in 2015 and is Australia's national independent regulator and educator for online safety. Our mandate is to ensure Australians have safer and more positive experiences online. eSafety leads and coordinates online safety efforts across Australian Government departments, authorities and agencies, and engages with key online safety stakeholders internationally to amplify its impact across borders.

Julie Inman Grant is Australia's eSafety Commissioner.

In June 2021 the Australian Government enacted new legislation, the Online Safety Act 2021, which gives the eSafety Commissioner improved powers to help protect all Australians from the most serious forms of online harm. The new Act will take effect in early 2022 and enhance eSafety's ability to provide citizen-focused services and support, in line with our core functions.

eSafety's functions

eSafety strives to deliver comprehensive, compassionate and people-focused services. To this end, we take a multipronged approach to achieving our goals. eSafety focuses on:

- **protection** – through statutory content, reporting schemes and investigations
- **prevention** – through research, education programs and awareness raising
- **proactive systemic change** – by staying ahead of technology trends and supporting industry to develop safer online products as part of our Safety by Design initiative.

This broad remit enables eSafety to address online safety in a multifaceted, holistic and proactive way. Underpinning our functions are our Corporate and Information Technology and Digital teams, ensuring the smooth operations of our internal processes and systems and our external website.

Protection

eSafety's strong suite of regulatory powers facilitate the rapid removal of harmful content online. Our investigative division operates a range of regulatory schemes.

eSafety aims to keep people safe online. Our powers cover:

- serious cyberbullying directed at Australian children 18 years and under
- cyber abuse targeting Australian adults
- image-based abuse, which is sharing or threatening to share intimate images or videos of a person without their consent
- illegal online content, such as Child Sexual Abuse Material and Abhorrent Violent Material which includes content that promotes, incites or instructs in terrorist acts or other violent crimes.

The Commissioner can also formally direct Australian Internet Service Providers to block Abhorrent Violent Material.

Our Investigations team offers Australians practical help in managing the impact of these types of abuse. Uniquely, eSafety can formally direct certain online service providers to remove abusive content from their services, which reduces harm and re-victimisation.

eSafety has helped thousands of Australians experiencing harm. We take a holistic approach to ensure people who report to us are well-supported and we aim to minimise risk of further harm. This includes working with schools when cases involve young people, and providing referrals to support services and helpful resources. For the most serious illegal content, we work with and alongside law enforcement agencies, and in particular the Australian Federal Police. We also work with our international networks, including the International Association of Internet Hotlines (INHOPE), to facilitate the rapid removal of illegal content wherever it is hosted. These types of partnerships and collaborative approaches are key to effective online regulation.

Industry guidelines

The Online Safety Act 2021 sets out core Basic Online Safety Expectations for the technology industry. This will help ensure that technology industry products and services are safe for Australians to use and provide greater transparency around their safety features, policies and practices. The relevant Federal Government Minister can determine the expectations for certain online services.

eSafety will be able to require these services to report on compliance with any or all of these Basic Online Safety Expectations. The Expectations are backed by civil penalties for non-compliance with the reporting obligations. eSafety will also have the ability to name providers that do not meet the Expectations as well as publish statements of compliance for those that do.

The Act also requires sections of the technology industry to create new and strengthened industry codes to better safeguard Australians from a range of harms. These codes will be enforceable by civil penalties and injunctions to ensure compliance. eSafety can receive complaints and investigate potential breaches.

While the schemes largely operate on a cooperative model between government and industry, the powers available to eSafety to enforce the removal of material provide a critical safety net for users, and drive industry to be proactive in addressing online risks and harms.

Prevention

eSafety focuses on prevention by informing Australians about online safety risks, how to be safe online and where to go for help. Apart from awareness raising, our work ranges from education and training through to research, early intervention and harm minimisation. We take a strategic approach, providing leadership, guidance and evidence-based resources.

Research

eSafety's research tracks online safety experiences, issues, trends and responses. It provides an evidence base for development of outreach programs and education resources. We publish our research findings on the eSafety website to inform the Australian public about online safety issues. eSafety also evaluates school and community online safety programs.

Awareness raising and support

eSafety's website is Australia's online safety hub, bringing together a wealth of information to help Australians have safe, enjoyable experiences online, while also providing guidance on specific online safety issues and how to deal with abuse. We convene and promote Safer Internet Day in Australia, and work with stakeholders and local, national and international media throughout the year to raise awareness about online safety issues across a broad range of audiences.

eSafety plays a key role in educating Australians to develop critical digital skills and stay safe online. We achieve this through providing evidence-based information for all Australians, as well as tailored programs and resources for those at greatest risk of online abuse.

This includes advice for:

- children and young people, as well as their parents, carers and educators
- Aboriginal and Torres Strait Islander peoples
- people from culturally and linguistically diverse backgrounds
- people living with disability
- people with low literacy
- LGBTIQ+ individuals and communities
- women and children in domestic and family violence situations
- women experiencing online abuse because of their work.

We also help build online safety knowledge and skills among people in frontline health, service and support roles, as well as in workplaces and community organisations.

Proactive systemic change

eSafety recognises the need to drive-up standards of user safety within the technology industry. A proactive, systemic approach is critical to reducing online risks and harms.

Safety by Design

eSafety's Safety by Design initiative encourages technology companies to anticipate, detect and eliminate online risks so digital environments are safer and more inclusive. It challenges technology companies to alter their design ethos. For many this means switching from a 'profit at all costs' approach to 'moving thoughtfully', investing in risk mitigation at the front-end and embedding user protections from the outset. This means putting user safety and rights at the centre of design and development of online products and services, rather than retrofitting safeguards after harm has occurred.

The Safety by Design Principles – developed in 2018 – are the culmination of a collaborative consultation exercise carried out with industry, NGOs, advocates, parents and young people from across the globe.

The three overarching principles are:

• Service Provider Responsibility

• User Empowerment and Autonomy

• Transparency and Accountability.

Two Safety by Design Assessment tools – developed with industry and for industry – support implementation of the Principles. One tool is for early-stage technology companies, and one is for mid-tier and enterprise companies.

Investors and venture capitalists play an important role in helping to ensure that early-stage technology companies include safety and ethical considerations in their design processes.

Through consultation with venture capitalists, start-up and incubation communities, resources for financial entities have been developed, including an Investment Checklist and Model.

Safety by Design is also being piloted in some Australian universities, to help equip the next generation of workers with the knowledge and skills to promote online safety.

The Safety by Design program is ongoing and central to our mission of driving long-term, systemic change within the tech sector and across society. More information about the Principles and the research behind Safety by Design is available on our **website**.
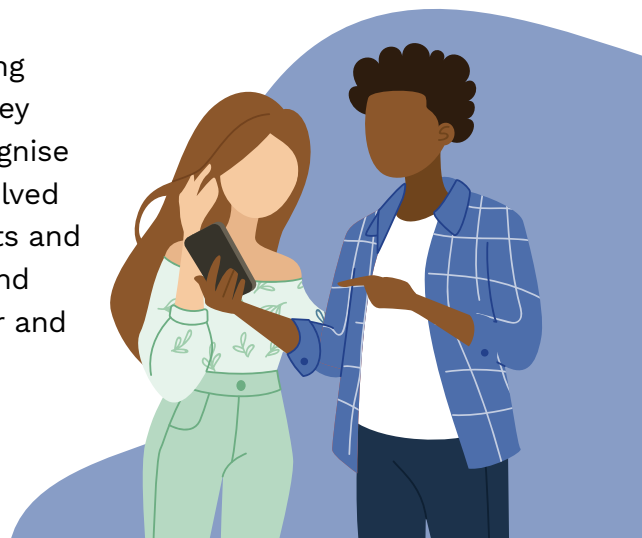
Tech trends and challenges
To ensure eSafety's programs and resources reflect current information and global trends, we continually scan for new research and technologies, and updates to policies and legislation. We have captured eSafety's approach to selected tech trends and challenges in position statements, which can be found **on our website**. Various emerging issues are also discussed in our **blogposts**.

International engagement and capacity building
eSafety is committed to sharing information and collaborating with governments and organisations around the globe, as they work to protect and safeguard their citizens online. We recognise that improving online safety is a global effort. eSafety is involved in a number of global alliances and capacity-building projects and regularly contributes to international debates, discussions and projects. Through these interactions, we seek to create safer and more responsible digital environments.

For more information, email us directly at **international@esafety.gov.au** or visit the **eSafety website**.

eSafety Commissioner

Australian Government