

Online Safety Act commencement - media and communication plan (updated January 2022)

Overview

The purpose of this document is to provide a planned communications and media approach for the commencement period of the Online Safety Act. This includes two distinct periods: the three weeks immediately prior to commencement, the commencement date itself (23 January 2022) and the period immediately thereafter. This plan complements and sits under the [overarching communications strategy and plan for Online Safety Act](#) and should be read in conjunction with that document.



Background & timing

(Full background is in overarching communications strategy and plan.) In July 2021, the Online Safety Act passed through the parliamentary process and received Royal Assent on 23 July 2022.

This means that the Online Safety Act 2021 will commence in Australia on **Sunday 23 January 2022**, with citizens able to report to eSafety under the new regulatory functions, and other elements of the Act taking affect from that date.

For communications planning purposes, activities for this part of the commencement plan have been divided into two sections following the Christmas holidays and office close-down period:

- Phase I Commencement Comms – Pre-23 January (from Tuesday 4 January through to Sunday 23 Jan); mainly proactive social media and media briefing – then:
- Phase II Commencement Comms – Post-23 January from Sunday 23 January

Objectives (commencement-period specific)

OSA for all Australians

- Promotion of the new Online Safety Act, the date of commencement and what eSafety's new powers means for Australians
- Defining what 'serious cyber abuse' is under the ACA and that the thresholds are set high
- Clearly define to report cases to the platforms, followed by eSafety's reporting scheme as a safety net (except IBA)
- Encourage help-seeking behaviours by providing guidance so that adults can triage their experience before seeking appropriate help
- Provide resources and information to vulnerable communities to increase awareness of new laws
- Empower individuals to report behaviour and reinforce that eSafety is here to help

OSA for industry

- Set expectations for industry via communication of new powers, expectations (BOSE) and codes
- Highlight new civil penalties for hosts & perpetrators.

Environmental awareness

- Increase general awareness of the eSafety Commissioner and its role, reinforcing that eSafety serves as a safety net in enforcement
- Define our multifaceted approach of prevention, protection and proactive change.
- Demonstrate that eSafety has put considerable time and resource in preparing for the commencement of the new legislation
- Reinforce that we won't be able to purely use regulation to fix the online world - we employ other complementary strategies.
- Increase the profile of the eSafety Commissioner as a world-first leader in online safety.

Key messages

Overarching

- Our laws have needed to keep pace with advances in technology and the threats we face from online harms.
- The Online Safety Act 2021 is new legislation that makes Australia's existing laws for online safety more expansive and much stronger, and come into force on Sunday 23 January 2022.
- The new powers in the Online Safety Act 2021 cement eSafety's role as a world leader in online safety. They place Australia at the international forefront in the fight against online abuse and harm – providing additional protections for Australians in the fight against online harms through our approach of prevention, protection, and proactive change in the online space.

- For the last year, the eSafety Commissioner has been planning for the commencement of the Online Safety Act. We have issued a series of regulatory guidance pieces, to prepare industry and other stakeholders for how the eSafety Commissioner will be implementing the new legislation.
- The law gives eSafety new and stronger powers to reveal the identities behind accounts people use to conduct serious online abuse or to exchange illegal content. This means eSafety can issue a notice to help gather more information it needs to investigate a complaint about child cyberbullying, adult cyber abuse, image-based abuse or illegal and restricted content.
- From 23 January, eSafety will be able to receive reports under our new legislation through the www.esafety.gov.au website, where people can make a report.
- Additionally, the Online Safety Act stipulates what the Australian Government now expects from online service providers. It has raised the bar by establishing a wide-ranging set of Basic Online Safety Expectations, including that online service providers take reasonable steps to ensure that users are able to use the service in a safer manner. These expectations will help make sure online services are safer for all Australians to use. They will also encourage the tech industry to be more transparent about their safety features, policies and practices. The Minister for Communications, Urban Infrastructure, Cities and the Arts will establish the Basic Online Safety Expectations through a legislative instrument called a determination. eSafety will then have the power to require online service providers to report on how they are meeting any or all of the Basic Online Safety Expectations.

The new laws:

A new Adult Cyber Abuse scheme for Australian adults:

- From Sunday 23 January eSafety will be able to act as a safety net to give Australian adults who have been subjected to serious online abuse somewhere to turn if the online service providers have failed to act in removing the abusive content.
- If a platform fails to take action, people can come to www.esafety.gov.au to make a report. Our new investigative and information gathering powers will allow us to investigate and assess complaints, and decide what action we can take.
- The bar for determining what ‘adult cyber abuse’ is has been set deliberately high, to ensure it does not stifle freedom of speech.
- Under the law, to reach the threshold the abuse must be both ‘intended to cause serious harm’, and ‘menacing, harassing or offensive in all the circumstances’. Serious harm could include material which sets out realistic threats, places people in real danger, is excessively malicious or is unrelenting.
- Every situation is unique and every matter reported to eSafety will be considered on a case-by-case basis. Even if a matter does not meet the threshold, we will still be able to offer support, information and advice

A stronger Cyberbullying Scheme for Australian children:

- eSafety’s existing Cyberbullying Scheme will be bolstered to enable eSafety to be able to order online service providers to remove material not just from social media sites, but from *all* online services – including online game chats, websites, direct messaging platforms and hosting services, where a lot of children spend their time.

- If eSafety seeks removal of content, the online service provider has 24 hours to respond, down from the previous 48 hours. This may be longer in certain circumstances.

An updated Image Based Abuse scheme

- Online service providers will now have half the time – cut from 48 hours to 24 hours – to take down intimate images (including videos) after getting a removal notice from eSafety.
- The Act also gives eSafety new powers to expose repeated failures to deal with image-based abuse. For example, eSafety will be able to name and shame online service providers that allow publication of intimate images without consent of the person shown on two or more occasions in a 12-month period, and are in breach of their own terms of service.

Targeted blocking power

- New Abhorrent Violent Conduct powers allow eSafety to direct internet service providers to block access to certain material that promotes, incites, instructs in or depicts abhorrent violent conduct, such as rape, torture, murder, attempted murder and terrorist acts, and is likely to cause significant harm to the Australian community.
- This will allow eSafety to respond to online crisis events, like the Christchurch terrorist massacre, by requesting or requiring internet service providers block access to such extreme violent content.

Harmful illegal online content

- Under updates to Australia's Online Content Scheme, online service providers who fail to comply with eSafety removal notices to take down harmful illegal content that is accessible to Australians – such as child sexual exploitation material - face financial penalties of up to \$111,000 per offence for individuals and \$555,000 for corporations.
- Those services may also have their content delinked from search engines and their apps removed from app stores if they fail to comply.
- As a last resort, where a service is deemed to pose a serious threat to the safety of Australians, eSafety may also apply for a Federal Court order that the provider of a particular social media service, relevant electronic service, designated internet service, or internet carriage service stop providing that service in Australia.

Target Audiences

Australian public through media (namely adults - and the diverse groups who are most at risk of harm)

Media

Key stakeholders including other regulatory bodies and government agencies

Social media followers & EDM subscribers

eSafety staff

Collateral & tactics for media use and engagement

- **Proactive media** – Media release detailing new powers
- **OSA Explainer** (designed version) – provided to journalists at the briefing
- **Regulatory Guidance documents and previous media releases** - provided to journalists at the briefing
- **Video: Adult cyber abuse (and OSA) shown/provided at briefing**
- **Stats on numbers and types of adult cyber abuse ‘informal reports into the eSafety office have been rising:**
 - 52% increase comparing the financial years - FY 2020 (1052 complaints) to FY 2021 (1599 complaints).

Comms and media plan

W/C 17 January	Pre-record of radio grabs for release (Wednesday 19 Jan)	Grabs to be developed from approved media release	Media (community radio stations)	
W/C 17 January	Development of an op-ed/blog piece, on future focussed piece explaining how new powers all work together along with eSafety’s wider work program to keep Australians safe online. [REDACTED]	To be published w/c 24 January	Public/social	Minister to provide his op-ed to news outlet: [REDACTED]
W/C 17 January	Pitch to breakfast TV shows for appearances on Monday 24 January to interview on new laws: - Commissioner: [REDACTED]		Media	[REDACTED]

W/C 17 January	Pitch to e.g. [REDACTED] for appearance on Monday 24 January to interview on new laws: - [REDACTED]		Media	
Weds 19/ Thur 20 January	Exclusive interview with JIG for select major metro journalist for a Sunday run - provide journo with: <ul style="list-style-type: none"> • Media release • OSA Explainer • Walk through of how to report (e.g. website screenshots) • OSA/ACA Video (if available) 	[REDACTED] [REDACTED] Info provided will be embargoed until 0600hrs Sunday 23 January 2022	Media	[REDACTED] to talk with [REDACTED] too: provide Minister's media release including re-appointment announcement
From Commencement				
Sunday/ 23 January 0600hrs	National media release distributed to all major mainstream metro and regional media , newswires, broadcast and print (i.e. all outlets) – JIG to record incoming requests for broadcast / interview Embargoed radio grabs distributed through Radio Release to all radio stations	Media release through [REDACTED] & our list	National reach, all media outlets	MO issues Minister media release.
Sunday/ 23 January 0600hrs	From 0600hrs media release live on eSafety website Reactive (broadcast) media requests for JIG interview throughout the day.	Website content made live: <ul style="list-style-type: none"> • Media release • Blog 	National reach, all media outlets	
Sunday/ 24 January	Social media, rolling commencement campaign: new powers for eSafety	Call to action to visit website	Social followers	Re-posting where appropriate