

Online safety laws

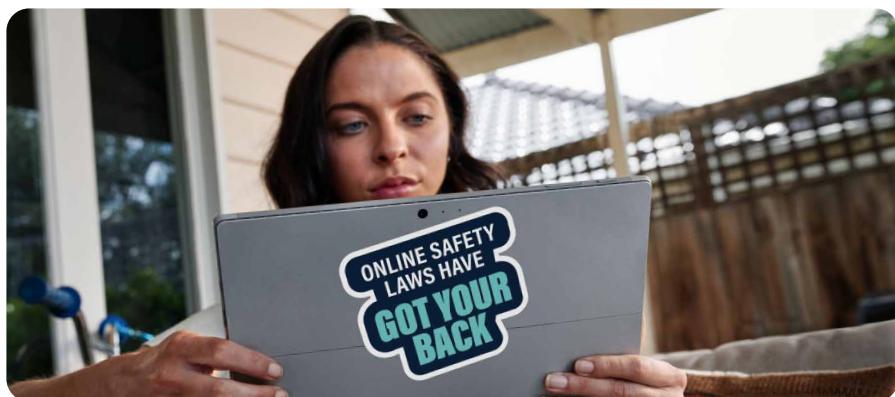
The *Online Safety Act 2021* makes it easier to fight the most severe types of online abuse for you, your family and community.



We acknowledge that many individuals refer to themselves by their clan, mob and or country. For the purposes of this document, we respectfully refer to Aboriginal and Torres Strait Islander peoples.

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Getting started, understanding online safety

There are lots of benefits to being online – we can connect with friends and family, and access services and information from anywhere in the world.

But just like in the physical world, we all have the right to be safe.

Good online safety means that everyone can access the internet, free from harm.

Sometimes people behave badly online and this behaviour can hurt others.

Things that make people unsafe online might include:

- 🔊 severely harmful or illegal content
- 🔊 sharing intimate photos or videos of someone without their permission
- 🔊 abuse based on cultural or religious beliefs.

Online safety? That won't affect me.

Online safety issues can impact anyone at any time.

Research indicates that Aboriginal and Torres Strait Islander adults are at increased risk of online hate and severe online abuse.

Aboriginal and Torres Strait Islander women also experience online abuse and abuse using digital devices (like phones) as part of family violence, at much higher rates than the general population.

Intergenerational trauma and racism also impact how online abuse is experienced by many Aboriginal and Torres Strait Islander people and communities, amplifying the abuse and adding to the impact.

Roles and responsibilities

What does eSafety do?

eSafety helps Australians to stay safe online.

Online safety can affect anyone at any time. It can include issues like sharing intimate images or videos without the consent of the person shown, online abuse, which includes severe harassment and threats, illegal and violent online content, and cyberbullying of children. If this happens to you or someone you know, eSafety may be able to help have the content removed.

If the content is not removed, eSafety may apply a fine to the platform, and sometimes the person who posted or shared it as well.










If you have experienced severe online abuse and need help from eSafety, you can make a report through their website ([eSafety.gov.au](https://www.esafety.gov.au)).

Industry

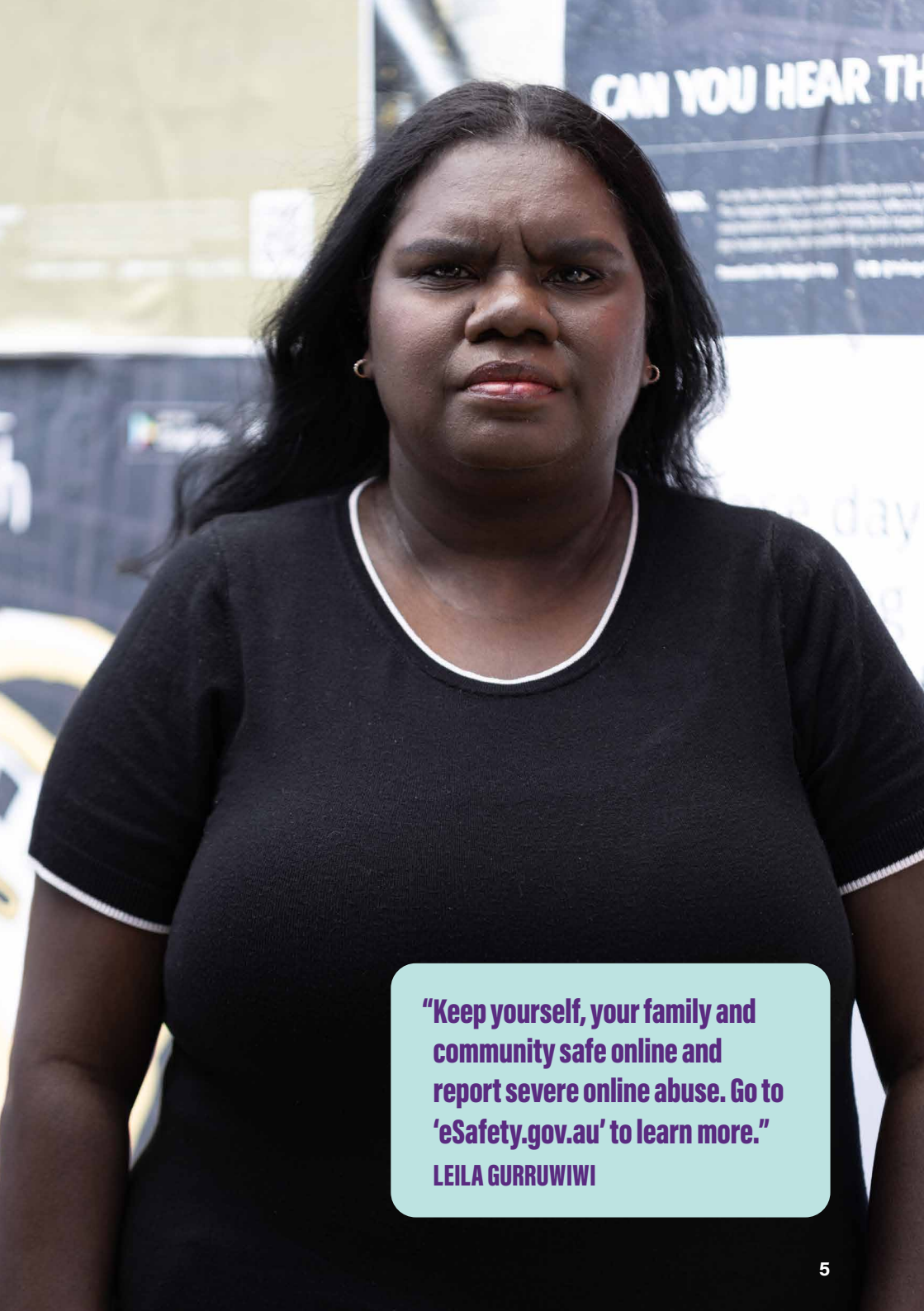
eSafety works with the online industry to help make sure online experiences are safer and more positive. Industry plays an important role in making sure online experiences are safe for their users.

Where appropriate, eSafety works with the online industry to resolve individual complaints.

Examples of online platforms:

-  Facebook/Messenger
-  WhatsApp
-  TikTok
-  YouTube
-  Snapchat
-  Instagram
-  X (previously known as Twitter)
-  Skype or FaceTime
-  online games





**"Keep yourself, your family and
community safe online and
report severe online abuse. Go to
'eSafety.gov.au' to learn more."**

LEILA GURRUWIWI

Online safety laws explained

The Online Safety Act 2021 was introduced by the Australian Government to protect Australians from severe online abuse.

The strengthened laws enable eSafety to remove serious, harmful online abuse.

If you experience severe online abuse, you can report it to eSafety, who can help you get the abusive content removed and access support.

You can make a report on behalf of someone, if they have given you permission to do so.

What can I report?

The online safety laws are there to protect you from severe online abuse that can harm you mentally or physically.

The impact of severe online harm may be permanent or temporary.

Severe harm to someone's mental health may include serious distress and negative feelings.

The laws don't protect you from content that causes general hurt, grief, or anger.

The laws cover:

- ✔ sharing intimate images or videos without the consent of the person shown
- ✔ severely abusive content that is menacing, harassing or offensive and intended to cause serious mental or physical harm to someone who is 18 or older.
- ✔ illegal and violent content, which includes material showing the sexual abuse of children or encourages terrorism.

Even if eSafety can't investigate your case and have the content removed, they can give you information and support.

How does it work?

A person experiencing adult cyber abuse or helping a child who is being cyberbullied should contact the online platform or service directly first and request the content is taken down.

If the service provider doesn't remove the material, or if you experience intimate images shared without your consent, or find illegal and violent content, you can make a report directly to **eSafety.gov.au**.

eSafety works with online platforms to remove the harmful content. This can include social media companies, websites, messaging services, chatrooms and gaming platforms.



Removal of illegal and violent content

Ahmed* was scrolling through social media when he came across a graphic video of a shooting. He immediately reported the video to the platform, but when he went back to check a few hours later, the video was still viewable.

Ahmed reported the video to eSafety.gov.au. The eSafety Investigations Team followed up with the platform to request the removal of the video.

However, the platform did not respond. The Investigations Team sent the platform a formal notice, requiring the removal of the video within 24 hours, and still received no response. The Investigations Team reviewed the platform's compliance with written notices, and after discovering that the platform was significantly slow in responding to written notices, eSafety issued the platform with

an infringement notice. The video was removed and the platform agreed to review their removal processes.

Thanks to Ahmed's action in reporting the content, the seriously harmful video was removed from the platform, and the platform was warned about their slow response times.

*Not actual name.

The harmful content can include posts, comments, emails, messages, memes, images and videos.

The eSafety Investigations team will determine the best course of action available. They might ask for more information to help them investigate.




If the content is not removed, eSafety can have the online service provider fined. eSafety can also have a fine issued to the person who posted or shared the severe online abuse of adults, or intimate images without consent.

What don't the laws cover?

There are certain issues that are not covered under the laws.

However, if the below experiences are combined with seriously threatening, harmful or dangerous content, the laws could still apply.

Examples of what the Act does not cover in isolation:

-  Defamatory comments
-  Political satire or journalism
-  Spam and scams

- ☒ Hacking
- ☒ Identity theft and fraud

If you have been scammed online, visit **scamwatch.gov.au**

If you have experienced online identity theft or fraud, visit **cyber.gov.au**.

If someone is in danger or requires immediate support, please call emergency services (**000**).

Is racism covered under the laws?

Racism can significantly impact how Aboriginal and Torres Strait Islander people and communities experience severe online abuse. If you experience targeted racial online abuse, violent threats or harassment that causes you serious mental or physical harm, there are some steps you can take:

- ☑ You must first report the abuse to the online platform where it happened.
- ☑ If the online platform does not remove the content you should then report it to **eSafety.gov.au**.



Removal of intimate images shared without consent

Mia* was told by a friend that intimate images of her were posted online. When Mia searched her name, she was horrified to see the images appear. She'd privately sent them to her now ex-boyfriend and was terrified her family, friends and colleagues would see them.

Mia reported it to eSafety.gov.au. The eSafety Investigations

Team worked quickly with the site to remove the images. Unfortunately, other websites copied the images. eSafety worked with Google to de-index Mia's images, so they could not be searched for as they worked to remove the remaining images. One website did not remove Mia's images quickly, so eSafety issued the site with a formal notice.

They complied with the notice, and Mia's intimate images were removed. Throughout this process, the Investigations team kept Mia informed and offered her support and assistance.

Mia was relieved that the images were no longer online and felt confident to return to her normal life.

**Not actual name.*



**ONLINE SAFETY
LAWS HAVE
GOT YOUR
BACK**

What you can do?

Tips to stay safe online

Learn about online safety risks.

The best way to stay safe online is to understand the risks and what can go wrong. You can visit **eSafety.gov.au** for information and resources.

Check your security settings.

Looking after your privacy is important online. You can check your account settings to make sure that people are not able to access your information or contact you without your consent. There are tips available for checking account settings for each platform at **eSafety.gov.au**

Talk to someone you trust.

You can also talk to someone you trust if you are unsure about something that has happened online. The more we talk about online safety, the more we can grow and learn together as a community.

There are a range of resources for Aboriginal and Torres Strait Islander communities available at **eSafety.gov.au**

Respecting others

We all have a role to play in modelling respectful behavior to the people around us, including our kids.

We can be leaders when it comes to being respectful online by:

- ✓ not sharing private information about ourselves or other people online
- ✓ respecting people's boundaries online
- ✓ only sharing pictures and videos that you have permission to share
- ✓ talking as a family or community about online risks to make sure we learn and grow together
- ✓ calling out bad behaviour and reporting severe online harm.

Looking after your wellbeing

Online abuse in any form can be stressful for the individual, family and community. The eSafety website at **eSafety.gov.au** provides information about support services and online safety advice to help everyone stay safe online.

BeyondBlue

Beyond Blue provides information and support to address issues related to depression, suicide, anxiety disorders and other related mental illnesses. Contact Beyond Blue on **1300 224 636**.

1800RESPECT

1800RESPECT provides confidential information, counselling and support services 24 hours a day, 7 days a week for people affected by sexual abuse or domestic violence.

13YARN

Confidential, culturally safe crisis support line for Aboriginal and Torres Strait Islander peoples. Available all day, every day. **13 92 76**



Doxing

Sarah* was sent an email from an anonymous account with a link to an ad posted on a classifieds website. The ad encouraged men to come to her house to engage in sexual activity and included her full name, phone number, email and home address. Sarah didn't post the ad and didn't know who put it up. She reported it to the classifieds website, but wasn't sure how long it would take for it to be removed. She started to receive phone calls and text messages from numbers she didn't recognise. She was

frightened for her safety and left her house to stay with a friend.

Sarah reported the ad to [eSafety.gov.au](https://www.esafety.gov.au) to get help in removing the content. eSafety's Investigations team spoke with Sarah and provided her with support and assistance to help keep her safe, including information on how to have results removed from search engine queries. The Investigations team quickly contacted the website where the ad was posted to seek removal of the material. When the material was

not removed, they sought further information from the website about the user who posted the ad, and sent a formal notice to the user directing them to remove Sarah's information.

Through the work of eSafety, Sarah's personal information was removed from the website and Google searches. Sarah felt safe enough to return home, with advice to get in contact with eSafety if it happened again.

*Not actual name.

Reporting online abuse

Online abuse can affect anyone at any time. If you or someone you know is experiencing severe harmful online abuse, you can report the issue and have the content removed.

It is important to first report child cyberbullying or adult cyber abuse to the online platform or service where the content appeared. This is often the fastest way to have it removed.

The eSafety Guide explains how to use site, app or game functions to report, block, ignore or mute abuse: **[eSafety.gov.au/esafety-guide](https://www.esafety.gov.au/esafety-guide)**.

If the platform or service does not respond, you can make a report to eSafety who will provide support and investigate your complaint.

Image-based abuse and illegal or restricted content can be reported to eSafety straight away.

To make a report, go to their website: **[eSafety.gov.au/report](https://www.esafety.gov.au/report)**



Have you experienced severe cyberbullying or adult cyber abuse?

Report the issue to the online platform first

If the online service provider or platform does not act quickly or does not respond to the request, you can report the severe online abuse to eSafety.

Find out how to report content on common sites, apps and games: **[eSafety.gov.au/esafety-guide](https://www.esafety.gov.au/esafety-guide)**.

Has someone shared an intimate image of you online without your consent?

Report the issue to eSafety straight away

Reports can be made via eSafety's website (**[eSafety.gov.au](https://www.esafety.gov.au)**). You do not need to report image-based abuse to the online platform first – you can report directly to eSafety.

A removal request or removal notice may be issued on your behalf. The online platform must then remove the content.

Have you seen illegal and violent content online?

You can report illegal and violent content to eSafety via eSafety's website (**[eSafety.gov.au](https://www.esafety.gov.au)**) for investigation. They can get the content removed.



Learn more about the online safety laws that protect everyone from severe online abuse. Visit [eSafety.gov.au](https://www.esafety.gov.au).

Where to get help

There is lots of help and support available if you have experienced severe online harm.

eSafety

Resources and information is available to help parents and kids stay safe online. It includes videos, games, support, and research-based information, and everything is free of charge.

eSafety.gov.au.

13YARN

Confidential, culturally safe crisis support line for Aboriginal and Torres Strait Islander peoples. Available all day, every day. **13 92 76.**

Kids Helpline

Kids Helpline provides free, confidential online counselling for children and young people. You can talk to Kids Helpline about experiences online. **kidshelpline.com.au** or phone **1800 55 1800.**

National Counselling and Referral Service

The National Counselling and Referral service provide supports to people with a disability who have been hurt, treated badly or taken advantage of. Phone **1800 421 468.** If you are deaf or have a hearing or speech impairment, call the National Relay Service (NRS) on **133 677.**

eHeadspace

eHeadspace is a confidential, free and secure service for people aged 12 to 25 and their family. You can chat, email or speak on the phone with a qualified youth mental health professional. **eheadspace.org.au.**

Crime Stoppers

Contact Crime Stoppers if you have serious concerns about a child's safety. **crimestoppers.com.au** or phone **1800 333 000.**





**"If you or someone you know
is experiencing severe online
abuse, visit [eSafety.gov.au](https://www.esafety.gov.au)
to report or for support."**

SHELLEY WARE

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LAWS HAVE
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Australian Government



eSafety
Commissioner