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**From:** s 22  
**Sent:** Thursday, 5 June 2025 4:37 PM  
**To:** s 22  
**Cc:** s 22  
**Subject:** RE: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

Thank you s 22 for this advice, really useful. s 47C, s 47E(d)

Cheers,

s 22

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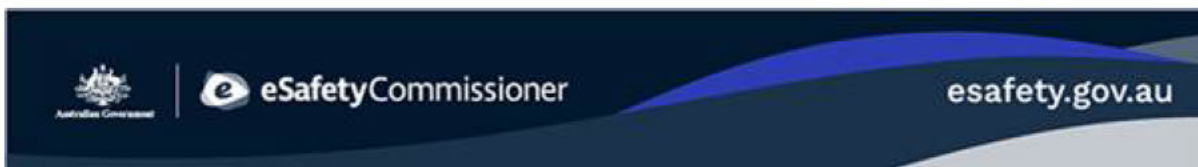
**From:** s 22 @esafety.gov.au>  
**Sent:** Thursday, 5 June 2025 10:37 AM  
**To:** s 22 @eSafety.gov.au>  
**Cc:** s 22 @eSafety.gov.au>; s 22 @esafety.gov.au>; s 22 @esafety.gov.au>  
**Subject:** Re: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

s 47C, s 47E(d)

Tech Advisory Manager

Technology and Strategy Group



eSafety acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past, present and emerging.

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**From:** s 22 [redacted] <[s22@esafety.gov.au](mailto:s22@esafety.gov.au)>  
**Sent:** Tuesday, 27 May 2025 5:10 PM  
**To:** s 22 [redacted] <[s22@esafety.gov.au](mailto:s22@esafety.gov.au)>  
**Cc:** s 22 [redacted] <[s22@esafety.gov.au](mailto:s22@esafety.gov.au)>; s 22 [redacted] <[s22@esafety.gov.au](mailto:s22@esafety.gov.au)>; s 22 [redacted] <[s22@esafety.gov.au](mailto:s22@esafety.gov.au)>  
**Subject:** FW: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

Hi s 22,

We were hoping to get your thoughts on the technical points made in the below correspondence from GitHub. This is part of the work related to the [Jira](#) we have on model distribution platforms, and our assessment of potential DIS Standard compliance issues.

s 47C, s 47E(d)

---

**From:** s 47F [@github.com](#)>  
**Sent:** Saturday, 24 May 2025 8:23 AM  
**To:** s 22 [@eSafety.gov.au](#)>  
**Cc:** Codes [s 47E\(d\)@eSafety.gov.au](#); s 47F [@github.com](#)>  
**Subject:** Re: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

You don't often get email from [s 47F@github.com](#). [Learn why this is important](#)

Dear s 22,

Thank you for your email of May 6, 2025. We appreciate the opportunity to address the classification of GitHub's service under the Australia Online Safety Act (OSA) and associated regulations.

GitHub takes concerns around CSAM and pro-terror material extremely seriously. We operate with a zero-tolerance policy and have a dedicated Trust & Safety team that works around the clock to investigate and act on any reported violations. This includes removing violating content, suspending accounts, and reporting illegal activities to the appropriate law enforcement agencies. Regarding concerns about AI models being used to create CSAM or NCII, our policy explicitly prohibits developing software on our platform for such uses. More information about this policy can be found on the GitHub blog. We actively monitor for and remove any projects that violate this policy.

On the suggested classification of GitHub as a model distribution platform, we respectfully clarify that GitHub is not designed as a platform for distributing machine learning models. The Designated Industry Services (DIS) Standard describes a model distribution platform as one which “has a purpose which includes making available machine learning models” and which “allows end users to upload machine learning models to the service”. However, GitHub’s platform was not created to store files as large as machine learning models, which are typically multiple GiB in size. GitHub blocks files larger than 100 MiB from being pushed to a repository. And although GitHub offers a separate feature for managing larger files (called Git LFS), that feature is not widely adopted, it also has file size limits of between 2-5GiB, and it has additional bandwidth limitations. As such, it is also not intended or used for distributing machine learning models.

The file size and bandwidth limitations make our platform ill-suited for storing or distributing large machine learning models. Rather, GitHub sometimes serves as a platform for hosting materials related to machine learning models, such as supporting source code, scripts, and documentation, often with links to models hosted elsewhere. (Of course, the overwhelming majority of content hosted on GitHub does not relate to machine learning or AI at all.) Since the GitHub platform is not conducive to sharing large files, distributing machine learning models is not one of the platform’s purposes.

We appreciate your inquiry and the opportunity to share this information about GitHub and its capabilities. We are committed to online safety and to compliance with Australia's law and regulations. If you require further information about our platform, please don’t hesitate to contact us.

Best regards,

s 47F

On Wed, May 7, 2025 at 2:14 PM s 47F <[redacted]@github.com> wrote:

s 22,

I've received your email. We take combatting CSAM very seriously at GitHub. I look forward to discussing these efforts with you once I've had the chance to discuss your questions with our online safety team.

s 47F

s 47F

Head of Cybersecurity and Online Safety Legal  
GitHub, Inc.

On Tue, May 6, 2025 at 9:57 PM s 22 <[redacted]@esafety.gov.au> wrote:

**OFFICIAL**

Dear s 47F

Further to our email below, we are keen to engage services regulated under the Online Safety Act in Australia, including regarding any potential compliance gaps in relation to the Industry Standards which are now in force.

Our assessment is that GitHub is a model distribution platform under the Designated Internet Services (DIS) Standard. As such, we are writing to seek further information on how GitHub is complying with the relevant requirements.

In particular, it is not clear to us that GitHub is complying with section 15(4): taking appropriate action on models where the provider becomes aware that a model has been used for child sexual exploitation material and pro-terror material. For example, we note that there is research indicating that the Stable Diffusion 1.5 model has been used to create child sexual abuse material (CSAM), and that this model was also trained on data including CSAM. While the original Stable Diffusion 1.5 model may have been removed from GitHub, we understand that the same or substantially the same model is currently available.

We are also consider GitHub is likely not to be compliant with the requirement in section 13(3)(a) for its terms of service to 'require that, for each model uploaded to the service, whether by the account holder or an end-user in Australia, the account holder has taken appropriate steps to minimise the risk of the model being used to generate child sexual exploitation material or pro-terror material'.

We would welcome information on how GitHub:

- Has terms of use that comply with section 13
- Takes appropriate action where GitHub becomes aware that a model has been used to produce CSAM – section 15(4)
- Takes 'appropriate and timely action to investigate the report or complaint' – section 28(2)(b)
- Notifies the complainant of the outcome of any investigation into the report – section 28(4)(a)

As is outlined in the Industry Standards Regulatory Guidance (p. 64), eSafety will not take enforcement action in the first six months of the Standards coming into effect, apart from exceptional circumstances, and in the first instance we want to work with services to ensure compliance.

We would be happy to discuss the above with you further. Please feel free to reach out with any questions.

Could you confirm receipt of this email, and respond with the information requested by **23 May 2025**.

Regards,

s 22

s 22

Manager, Codes and Standards (Class 1)  
Industry Compliance and Enforcement

s 22

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**From:** Codes <sup>s 47E(d)</sup> [@eSafety.gov.au](mailto:Codes@eSafety.gov.au)>

**Sent:** Friday, 17 January 2025 11:58 AM

**To:** S 47F [@github.com](mailto:S47F@github.com)

**Cc:** Codes <sup>s 47E(d)</sup> [@eSafety.gov.au](mailto:Codes@eSafety.gov.au)>

**Subject:** Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

Dear <sup>s 47F</sup> [REDACTED],

We write from the Office of the eSafety Commissioner in Australia. eSafety is the statutory regulator for online safety in Australia, as provided for by the [Online Safety Act 2021](#).

We are reaching out to service providers who may be subject to mandatory Industry Standards, which came into effect on 22 December 2024. The [two industry standards](#) – and the six other Industry Codes which are already in effect – can be found at the [eSafety website](#). For an overview of each Standard, you can [download the fact sheets](#).

The Standards are designed to minimise and prevent harms associated with access and exposure to the most harmful forms of online material, referred to as ‘class 1A’ and ‘class 1B’ material.

- Class 1A includes child sexual exploitation material, pro-terror material, and extreme crime and violence material.
- Class 1B includes crime and violence material, and drug-related material.

Material can include text, audio or image, irrespective of whether it is computer generated.

The two standards cover:

- **Designated Internet Services (DIS)**, including apps, websites, file and photo storage services, and some services which deploy or distribute generative AI models.
- **Relevant Electronic Services (RES)**, including services which enable end-users to communicate with one another such as email, instant messaging and chat services, certain gaming services, and dating services.

**We recommend considering whether your service is regulated under the [DIS Standard](#)**, and in particular, as a *Model Distribution Platform* (as defined in section 6 of the DIS Standard). If it is within the scope of the Model Distribution Platform category, you may be subject to obligations such as:

- Having and enforcing policies against using the service for class 1A and 1B material, and policies that require end-users to take appropriate steps to minimise the risk of a model being used to generate child sexual exploitation material or pro-terror material.
- Implementing user reporting tools and responding promptly to end-user reports with appropriate action.
- Implement systems, processes and – if appropriate – technologies to disrupt and deter end-users from using the service to make available or store child sexual exploitation material or pro-terror material.

You can find more information on how to comply with requirements under the Industry Standards in eSafety’s **Regulatory Guidance**, which can be found at the eSafety website: [Regulatory guidance | eSafety Commissioner](#).

In the event of non-compliance, eSafety has a range of enforcement powers, including issuing an infringement notice (a fine), or seeking an injunction or civil penalty in court.

We would be happy to discuss the above with you further. Please feel free to reach out with any questions.

Regards,

eSafety | Industry Codes and Standards



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**From:** s 22  
**Sent:** Friday, 20 June 2025 7:58 AM  
**To:** s 22  
**Cc:** s 22 ; P1 Codes and Standards  
**Subject:** FW: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

s 47C, s 47E(d)



---

**From:** s 47F @github.com>  
**Sent:** Friday, 20 June 2025 6:36 AM  
**To:** s 22 @eSafety.gov.au>  
**Cc:** Codes s 47E(d) @eSafety.gov.au>; s 47F @github.com>  
**Subject:** Re: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

Dear s 22,

Thank you for your email and the clarification. GitHub has, to this point, been operating under the belief that the platform qualifies as a Social Media Service rather than a Designated Internet Service, given the platform's core functionality of facilitating online collaboration between developers. As mentioned in our previous correspondence, we did not believe that the platform fit within the Model Distribution Platform category since it is not built for hosting user-uploaded models. In light of the perspective you shared, however, GitHub is investigating additional policy changes we could take to ensure that, if the platform is used to share models, it is done responsibly. However, we believe it would be productive to have further discussion about GitHub's proper classification. In particular, are you able to share eSafety's perspective on whether GitHub qualifies as a Social Media Service? We can provide some additional information on our view up to this point.

**GitHub as a Social Media Service.** The industry code specifies that a Social Media Service is one that primarily enables online social interaction between at least two end-users. GitHub's core functionality allows developers to collaborate on code, discuss projects, and provide feedback, clearly facilitating online interaction. There is, perhaps, a question about whether GitHub's platform primarily enables "social" as opposed to "business" interactions. Both types of interactions exist and both are a primary purpose of the

platform. There are many companies that use the platform for commercial purposes. There are also many individual developers, hobbyists, students, and open-source projects that share their code on the platform for personal reasons. The code also requires a Social Media Service to enable users to connect or engage with others and post material. These requirements are easily satisfied: developers can post and fork code, follow other users, contribute to their repositories, and participate in discussions.

**GitHub’s Functionality.** Our main platform, at its heart, is a version control system for code collaboration. It is designed to track and manage changes to source code and facilitates collaborative software development. This infrastructure, which is focused on version control, has file size and bandwidth limitations that hinder its suitability for hosting machine learning models. While users can use GitHub to share AI model components, such as their code, scripts, and documentation, this is far afield from providing the infrastructure to deploy, serve, and scale machine learning models as APIs or web services. As a practical matter, because we do not host models directly, we are concerned that we would be unable to enforce many of the policies required by the standard, particularly those related to preventing the misuse of models for generating prohibited content. Without serving models directly, we would not be in a position to detect misuse of a model or police compliance with many of the standard’s obligations.

**Models in the Marketplace.** Regarding the GitHub Marketplace and its Models section, it is important to understand that this is a distinct and separate feature from our primary platform. The Models section of the Marketplace only provides access to a small, curated selection of models. GitHub does not allow users to upload models to the Marketplace, and GitHub does not host the models listed on the Marketplace. We help developers link to the models and use them in their workflows. Furthermore, these models employ content filters that cannot be turned off. (See Responsible Use of GitHub Models.) Since the definition of Model Distribution Provider refers to users uploading models, we did not believe that this separate feature met the requirements.

We hope this explanation clarifies how GitHub operates. We want to reiterate that we take online safety seriously and are eager to ensure compliance with all relevant regulations. We would welcome the opportunity for more discussion about GitHub’s proper classification.

§ 47F

On Thu, Jun 5, 2025 at 3:40 AM § 22 [@esafety.gov.au](mailto:esafety.gov.au) wrote:

**OFFICIAL**

Dear § 47F

Thank you again for your response of 24 May 2025.

Having considered the details outlined in your email, and based on our understanding of the GitHub service, our view is still that GitHub meets the definition of a model distribution platform in the DIS Standard.

As you know, limb (a) of the definition in the DIS Standard requires that ‘making available machine learning models’ is a purpose of the service. Importantly, it need only be ‘a’ purpose, as opposed to a ‘significant’ or ‘predominant’ purpose. It is clear from the provision of [GitHub Models](#) that GitHub meets limb (a) of the definition. Limb (a) does not require that models are available for download.

In relation to limb (b), the definition requires that end-users are 'allowed' to upload machine learning models. With respect to uploading entire models, we note that multiple files can be uploaded. As you confirm, users are also able to utilise Git LFS to upload models, again either as one or multiple files. That GitHub is 'ill-suited' to this activity is not relevant to whether GitHub 'allows' its use.

Although the above is sufficient for GitHub to meet the definition of a model distribution platform, we further note that 'models' for the purposes of the DIS Standard includes instances where GitHub hosts related material like supporting source code, scripts, and documentation used for model training and development, as well as code which allows the usage of machine learning models hosted on other platforms. This is supported by the [Explanatory Statement](#) for the DIS Standard which states:

- 'that model distribution platforms include '... services which focus predominantly on making available machine learning models as well as services which focus generally on making code and other open-source materials available to end-users which also allow for machine learning models to be available on the service.'
- 'The material available on a model distribution platform will include the models available on the service (whether uploaded by an end-user or not), associated content and materials hosted on the service.'

As such, could you confirm that GitHub will ensure its compliance with obligations under the DIS Standard which apply to model distribution platforms.

We would be grateful for your response by 19 June 2025.

Kind regards,

s 22

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**From:** s 22  
**Sent:** Monday, 26 May 2025 7:58 PM  
**To:** s 47F <[redacted]@github.com>  
**Cc:** Codes s 47E(d) <[redacted]@eSafety.gov.au>; s 47F <[redacted]@github.com>  
**Subject:** RE: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

Dear s 47F

Thank you for coming back with this. We will consider and let you know if we have any questions.

Kind regards,

s 22

---

**From:** s 47F <[REDACTED]@github.com>  
**Sent:** Saturday, 24 May 2025 8:23 AM  
**To:** s 22 <[REDACTED]@eSafety.gov.au>  
**Cc:** Codes s 47E(d) <[REDACTED]@eSafety.gov.au>; s 47F <[REDACTED]@github.com>  
**Subject:** Re: Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

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s 47F

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s 47F

s 47F

Head of Cybersecurity and Online Safety Legal

GitHub, Inc.

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- Notifies the complainant of the outcome of any investigation into the report – section 28(4)(a)

As is outlined in the Industry Standards Regulatory Guidance (p. 64), eSafety will not take enforcement action in the first six months of the Standards coming into effect, apart from exceptional circumstances, and in the first instance we want to work with services to ensure compliance.

We would be happy to discuss the above with you further. Please feel free to reach out with any questions.

Could you confirm receipt of this email, and respond with the information requested **by 23 May 2025**.

Regards,

s 22

s 22

Manager, Codes and Standards (Class 1)

Industry Compliance and Enforcement

s 22

---

**From:** Codes [s 47E\(d\)@eSafety.gov.au](mailto:s 47E(d)@eSafety.gov.au)>  
**Sent:** Friday, 17 January 2025 11:58 AM  
**To:** S 47F [@github.com](mailto:s 47F@github.com)  
**Cc:** Codes [s 47E\(d\)@eSafety.gov.au](mailto:s 47E(d)@eSafety.gov.au)>  
**Subject:** Information about Australia's mandatory online safety standards [SEC=OFFICIAL]

**OFFICIAL**

Dear [s 47F](mailto:s 47F)

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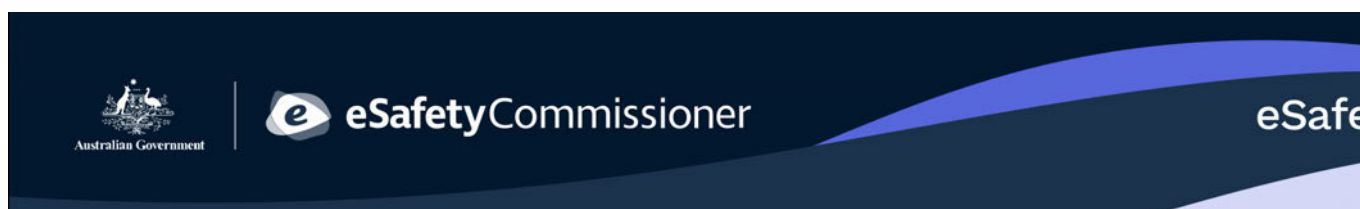
You can find more information on how to comply with requirements under the Industry Standards in eSafety's **Regulatory Guidance**, which can be found at the eSafety website: [Regulatory guidance | eSafety Commissioner](#).

In the event of non-compliance, eSafety has a range of enforcement powers, including issuing an infringement notice (a fine), or seeking an injunction or civil penalty in court.

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Regards,

eSafety | Industry Codes and Standards





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