



Fact sheet—Online Safety Reform Proposals— Adult Cyber Abuse Scheme

What is proposed?

The new Online Safety Act will introduce a new take-down and reporting scheme to tackle cyber abuse directed at Australian adults.

Why is this needed?

Cyber abuse can cause significant harm to individuals, particularly those who are systematically targeted or are vulnerable to victimisation based on characteristics such as gender, ethnicity or sexual identity.

There is clear demand for a scheme to help victims address this type of harmful conduct. Since the expansion of the eSafety Commissioner's remit to adults in 2017, the eSafety Commissioner has received more than 40 queries a month from adults experiencing cyber abuse. However, at present, the Commissioner does not have any formal powers to request the removal of this type of content.

How will it work?

Australians will be able to report to the eSafety Commissioner to request the take-down of serious cyber abuse material that is menacing, harassing or offensive and has the intended effect of causing serious distress or harm. This is not intended to cover all disagreements or disputes online, but conduct that is seriously harmful for the victim.

In line with the existing cyberbullying scheme for Australian children, individuals would be required to report to social media in the first instance. This recognises the role of industry in ensuring they have mechanisms in place to empower users to manage and report abuse and harmful material online.

Who will be covered under the scheme?

The reporting mechanism would be open to all Australian adults, providing a mechanism to have material removed that is causing serious distress or harm.

The scheme will operate alongside the existing cyberbullying scheme for Australian children and the image-based abuse scheme.

Which platforms would be covered under the scheme?

Under new arrangements for both the cyberbullying and cyber abuse schemes, individuals could report material being posted on social media services (such as Facebook, Instagram and Twitter), instant messaging services (such as Facebook Messenger, WhatsApp and Viber), websites and apps, among others.



What action would be taken from a report to eSafety?

The eSafety Commissioner would investigate a complaint and would have the power to issue a notice to the relevant service provider to remove the cyber abuse material within 24 hours. If the industry member does not comply, the Commissioner would have a range of enforcement powers at their disposal, including civil penalties for non-compliance.

The eSafety Commissioner would also have the power to issue removal notices to end-users to take all reasonable steps to remove the cyber abuse material.

If the abuse is deemed to have reached a criminal threshold, the eSafety Commissioner would refer the matter to the Australian Federal Police and state and territory law enforcement, as appropriate.

How does the scheme interact with other actions to uphold privacy, cyber security and tackle online harms?

The work of the eSafety Commissioner forms one part of a suite of Government responses to online harms. The eSafety Commissioner's website includes details of when and how to report online scams, identity theft and other online security issues. This includes information on how to protect your personal information. Further information can be found at www.esafety.gov.au/key-issues/staying-safe/online-scams-identity-theft.

