



Fact sheet—Online Safety Reform Proposals— Ancillary service provider notice scheme

What is proposed?

It is proposed that the new Online Safety Act would create an ancillary service provider notice scheme to provide an additional tool for the eSafety Commissioner to tackle the availability of harmful online material. Under the proposed scheme, the eSafety Commissioner would be able to request that search aggregators (such as search engines) and digital distribution platforms (such as app stores) de-list, de-rank or cease hosting websites or apps (respectively) found by eSafety to repeatedly facilitate the posting of cyberbullying, cyber abuse, image-based abuse or seriously harmful content.

Why is this needed?

The eSafety Commissioner has worked effectively with industry under the current cyberbullying and image-based abuse schemes to have this type of content removed quickly from relevant services. However, there is no capacity under these existing arrangements for the Commissioner to request assistance from search aggregators and digital distribution platforms, as they are generally not covered by any current scheme. While these service providers don't host content or actively facilitate content creation, they are conduits for consumers to discover harmful online material. Providing the eSafety Commissioner with a new tool to work with these services will enhance the capacity of the Commissioner to protect Australian victims of online abuse and prevent exposure to harmful online material.

How will it work?

A new ancillary service provider notice scheme would create a new service category of 'ancillary service provider', and enable eSafety to request (not require):

- search aggregator services (e.g. Google, Bing) to delist or de-rank websites that have been found by eSafety to be systemically and repeatedly facilitating the posting of cyberbullying or cyber abuse material, image-based abuse or hosting seriously harmful content, and
- digital distribution platforms (e.g. Google Play, Apple's App Store, Steam, GOG) to cease offering apps or games found by eSafety to be systemically and repeatedly facilitating the posting of cyberbullying or cyber abuse material, image-based abuse or hosting illegal or harmful content.

It is intended that the scheme would be utilised as a 'reserve function' in cases where more direct take-down powers used against the primary providers of harmful material have not been effective. This may well be the case for overseas hosted material or services, where the providers may have little regard for Australian laws. There would be no sanctions for non-compliance with a notice issued under the ancillary service provider scheme, but the eSafety Commissioner would be empowered to publish reports on service providers who had failed to respond, or failed to respond adequately, to a notice.

