



Fact sheet—Online Safety Reform Proposals— Image-based abuse scheme

What is proposed?

It is proposed that the non-consensual sharing of intimate images scheme (image-based abuse scheme) would be migrated to the new Online Safety Act. There would be no significant changes to the operation of the scheme, which is working well to protect Australians from this type of harmful material. However, it is proposed that the time within which online service providers must remove abuse material following a request from the eSafety Commissioner be reduced from 48 to 24 hours, and the definition of ‘intimate image’ broadened to include intimate images that ‘purport to be of a person’.

Why is this needed?

Shortened timeframe

The longer an intimate image shared without consent is available online, the more harmful it can be for the victim. The proposed reduction in compliance time is reasonable and aligns with international best practice. It also reflects the prompt removal times the eSafety Commissioner has been able to achieve to date, working cooperatively with industry, and aligns the take-down timeframes proposed for all of the online safety schemes under the new Act.

Amended definition

Amending the definition of an intimate image to include intimate images which purport to be of a person would cover the circumstance where an intimate image is tagged with a person’s name, implying that it is an image of that person even if it is not of them. This is not clear from the current wording in the *Enhancing Online Safety Act 2015* and is an issue that has emerged over recent years. This will make clear that the creation of faked or altered images are captured by the scheme.

How will it work?

The existing complaints-based mechanism for the image-based abuse scheme will continue to be in place. Victims of image-based abuse will be able to make reports directly to the eSafety Commissioner for investigation. The Commissioner will then draw on a range of enforcement powers to require service providers to take all reasonable steps to support the removal of intimate images. The ultimate aim of the scheme is to facilitate the rapid removal of image-based abuse content from the internet.

