



Fact sheet—Online Safety Reform Proposals— Basic Online Safety Expectations

What is proposed?

It is proposed that the new Online Safety Act would enable a set of basic online safety expectations (BOSE) to be made to articulate the community's expectations for online safety by the digital platforms and online services used by Australians every day.

Why is this needed?

There are few online safety requirements in current legislation for online service providers. Under the existing cyberbullying scheme in the *Enhancing Online Safety Act 2015*, there are a number of basic online safety requirements in place for social media services. While these requirements have worked well for the cyberbullying scheme, they are limited in scope in terms of the services that Australians are using and on which harmful material is being encountered. The BOSE will establish a higher benchmark for the online services sector to take proactive steps to protect the community from abusive conduct and harmful content online.

How will it work?

It is proposed that the Online Safety Act will provide the Minister for Communications, Cyber Safety and the Arts with the capacity to make a set of basic online safety expectations. These expectations will be based on, and consistent with, the eSafety's Safety by Design principles and the Government's Online Safety Charter.

- The eSafety Commissioner's Safety by Design (SbD) initiative aims to encourage and assist industry to take a proactive and consistent approach to user safety when developing online products and services. The Commissioner has developed principles that will guide services about how they can incorporate, enhance and assess user safety through the design and development of their products. More information is available on the eSafety website: www.esafety.gov.au/key-issues/safety-by-design.
- The Online Safety Charter articulates a set of community-led expectations for industry to protect citizens, especially children and vulnerable members of the community, from harmful online experiences. The Charter builds on the eSafety Commissioner's Safety by Design initiative, expanding and extending those expectations in areas of particular importance, such as age-appropriate content and support for law enforcement efforts. The Charter is available from the website of the Department of Communications and the Arts.

Who will be covered under the scheme?

Initially, the basic online safety expectation would apply to social media services. However, the eSafety Commissioner would have a power to determine that the expectations apply to other specified types of service providers.



Compliance and transparency reporting

No sanctions would apply for non-compliance with the proposed basic online safety expectations. However, the eSafety Commissioner would have a power to determine, by legislative instrument, that particular entities report on their actions in upholding the expectations, through public reporting and/or reporting on specific items to the Commissioner. Reporting companies would be determined by the Commissioner based on a range of criteria that are likely to include the numbers of reports received by eSafety with regard to specific individual companies.

Relationships between Safety by Design, the Online Safety Charter and the Basic Online Safety Expectations

Safety by Design is an ongoing process that is intended to guide systemic and material shifts in the design of online services.

The Online Safety Charter is a statement at a point in time that endorses the Safety by Design principles and articulates the Australian community's expectations for online safety.

The basic online safety expectations will provide a means for industry's responsibilities to be articulated within a legislative framework. These expectations will be informed by the targeted consultations on the new Online Safety Act and the views of industry, community and civil society. Going forward, they will provide a framework for transparency reporting to improve industry accountability.