

17 May 2024

## **Submission to the Queensland Parliament's Community Safety and Legal Affairs Committee Inquiry into the Community Safety Bill 2024**

Dear Committee Members,

Thank you for the invitation to submit to the Inquiry into the Community Safety Bill 2024 (Qld) (the Queensland Bill). I appreciate the Committee's willingness to extend the time for this submission.

eSafety welcomes the opportunity to provide feedback to the Committee.

The eSafety Commissioner's functions and powers are established under the *Online Safety Act 2021* (Cth) (the Online Safety Act). As Australia's national independent regulator for online safety, eSafety helps to safeguard Australians from online harms and to promote safer, more positive online experiences.

The introduction of the Queensland Bill is of course a matter for the Queensland Parliament, and any specific commentary as to legal interactions between the Queensland Bill and the Online Safety Act I leave to constitutional and other legal experts. But I have concerns that this both duplicates functions that eSafety already holds at the national level and that it will lead to further confusion and fractionalisation around these regulatory functions.

There is no doubt that online content depicting crime and violence can contribute to social harms and cause harm to victim-survivors. This is precisely why eSafety has Memoranda of Understanding with both the Queensland Police Service and with all other State and Territory police forces across Australia, incorporating standard operating procedures around how to deal with these issues.

I feel that a coordinated national approach to regulating online harms in Australia is critical. This is precisely why I am hosting a National Round Table about Youth Crime Online in late June in Sydney.

I note that the Queensland Bill includes a power for authorised police officers to remove specified online content under Queensland's *Police Powers and Responsibilities Act 2000*. I am concerned that there are significant intersections between online content covered by the Queensland Bill and the types of content that can be reported to eSafety for investigation and removal under the Online Safety Act.

eSafety also administers complaints and investigations schemes to limit harms (including through compulsory removal powers) associated with:

- cyber abuse material targeted at Australian adults;
- cyberbullying material targeted at Australian children;
- certain online content, including material that promotes, incites or instructs in matters of crime and violence; and
- the non-consensual sharing of, or threat to share, intimate images.

To improve online safety for Australians, eSafety is also systemically improving online safety through the registration of industry codes and standards which place enforceable requirements on industry, which consists of mostly global industry providers.

In administering the Online Safety Act, eSafety works closely with State and Territory Police Commissioners and with the Australian Federal Police Commissioner; with their police forces; and with other relevant agencies across Australia to ensure a coordinated approach to the regulation of online content to promote online safety for all Australians.

It is critical that a consistent national approach is taken to addressing online safety content, including clear articulation of the roles and responsibilities of relevant government and law enforcement agencies across Australia. Coordinating efforts wherever possible creates efficiencies and is in the best interests of both Australians directly affected by this content and of service providers.

In May 2023, a Memorandum of Understanding was signed between eSafety and the Queensland Police Service outlining agreed protocols for the sharing of information and defining reporting and escalation pathways to eSafety in circumstances where Queensland Police Service personnel identify particular class 1 material online – including material that incites, promotes or instructs in matters of crime and violence.

Given the global nature of digital platforms, regulation and dealing with harmful content can be complex. eSafety routinely engages with social media services and other large global digital platforms to promote clear communication of regulatory expectations and concerns. The Online Safety Act authorizes the sharing of information by eSafety with relevant authorities, including Australian police forces.

eSafety's well-established working relationships with online service providers mean that informal requests to providers often result in faster removal than the issue of a formal removal notice under the Online Safety Act. The swift take-down of harmful content is in everyone's interest as it means that fewer Australians are exposed to harm online. eSafety also has enforcement powers under the Online Safety Act which it can exercise if needed.

Clear communication about where complainants can go for help with online issues is also vitally important. This includes limiting overlap between agencies and, where possible,

harmonising expectations about what is involved in different complaints processes and outcomes. Multiple reporting pathways risk inefficiency, duplication of effort, an increased burden for regulated entities, and confusion for the Australian public about where to go when they need help.

A nationally coordinated approach to the regulation of online safety is in the best interest of all Australians.

Yours sincerely,

A handwritten signature in black ink that reads "Julie Inman Grant". The signature is written in a cursive style with a large initial 'J'.

Julie Inman Grant

eSafety Commissioner