

Full response from a spokesperson for Mitch Fifield

Written by Sunanda Creagh, Editor, The Conversation

In relation to [this](#) FactCheck on the Office of the Children's eSafety Commissioner, a spokesperson for communications minister Mitch Fifield said:

The Coalition government established the office of the Children's eSafety Commissioner to help protect Australian children from cyberbullying, and to take a national leadership role in all forms of online safety.

A key function of the Commissioner is to administer a two-tiered complaints system for cyber-bullying material targeted at an Australian child. Social media services participating under tier 1 do so on a cooperative basis, while declared "tier 2" social media services are subject to legally binding notices or face the risk of civil penalties for non-compliance.

The two-tier scheme allows for a light touch regulatory scheme in circumstances where the social media service has an effective complaints scheme and it is working well; but it enables the government to require that cyber-bullying material targeted at an Australian child be removed in circumstances where a social media service does not have an effective complaints system. If the provider of a social media service fails to comply with a "take down" notice, it will be liable to pay a penalty of 100 penalty units (this is \$17,000) for each day in which the service fails to respond.

The Commissioner is also responsible for investigations into illegal or offensive online content, having administrative responsibility for the Online Content Scheme under schedules 5 and 7 of the Broadcasting Services Act.

The Commissioner's 12 month report shows that the Office has handled over 11,000 complaints in the last year, a figure which includes both cyberbullying and prohibited online content complaints.

To date, the Commissioner has worked successfully with social media services to remove harmful cyberbullying material, and has not been required to use its formal powers to enforce penalties for non-compliance.

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