

Attachment - List of changes to the Exposure Draft of the Online Safety Bill

Clause	Amendment
Clause 82	Transfer clause 82 to T&C Bill
Clause 182	Remove clauses 52, 59 and 145 from the list of non-delegable powers
Clause 182	Remove clause 95 from list of non-delegable powers
Clause 182	Add clause 156 to the list of non-delegable powers
Clause 182	Add clause 128 to the list of non-delegable powers
Clause 212	Add a reference to 'designated internet services' to paragraphs 212(g) and (h) and replace the reference to 'electronic services' in the provisions to 'relevant electronic services'.
Clause 13	Delete subclauses 13(5) and (6), and make a consequential change to the references to subclause 13(5) in paragraph 13(1)(b)
Clauses 14(3) and 13A(2)	Insert an exemption for <i>designated internet service</i> and <i>relevant electronic service</i> to mirror the <i>social media service</i> exemption at 13(4). Paragraph 13(4)(a) of the Bill provides a social media service is an exempt service if none of the material on the service is accessible to, or delivered to, one or more end-users in Australia.
Clauses 113A, 118A, 123A	Service provider notices. Cyber-bullying, IBA and adult cyber-abuse schemes allow for naming and shaming where material was posted 2 times or more in the last 12 months and this contravened the services' terms of use. Inserted a similar service provider notice provision to the online content scheme at clauses 113A, 118A and 123A
Clause 69	Remove clause 69 (cyberbullying)
Clauses 65 and 70	Add to clauses 65 and 70 the standard paragraph about identifying the material in the removal notice to the provider
Clause 88	Replicate the requirement that material be the subject of a complaint made to the provider in the first instance or made reasonable efforts to do so in the cyber-bullying scheme and amend the evidential requirements contained in clauses 30 and 36

Clause 220	Extend clause 220 to allow a refusal to give a removal notice to a social media service, designated internet service, relevant electronic service or hosting service provider, to be AAT reviewable, in the adult cyber abuse and IBA schemes
Clauses 5 and 15	Delete “identifying as female” from paragraphs 5 (b) (ii) and 15 (b) (ii)
Clause 218	Add a reference to Part 15 of the <i>Telecommunications Act 1997</i>
Clauses 77, 79, 88 and 90	Remove the requirement that material be <i>posted on the service by an end-user of the service</i> from subclauses 77(1)(b), 79(1)(b), 88(1)(f) and 90(1)(f).
Clauses 85 and 93	Remove the requirement that material be <i>posted on the service by an end-user of the service</i> from subclauses 85(2) and 93(2)
Clauses 88, 89 and 90	Remove the requirement that the a complaint should be made to a provider of the service only if the provider is known to the adult (paragraphs 88(1)(c), 89(1)(c) and 91(1)(c)).
Clause 239A	Insert clause 239A (review of the operation of the Act)
Subclause 224(1)	Replace the word ‘may’ in subclause 224(1) with ‘must’
Clause 32	Amend clause 32 to limit the power to complain to the same conditions as contained subclause 33 (1) (d) (i-iii) (i.e. limit application of the Bill to materials, links or apps that are accessible to, or delivered to, end-users in Australia).
Clause 9	Amend the definition of ‘abhorrent violent material’ to be ‘material that depicts abhorrent violent conduct’
Clause 5	Add the wording ‘password, or other security mechanism’ to paragraph (a) of the definition of <i>access-control system</i>
Clause 212	Add the ‘Office of the Australian Information Commissioner’ to the list of authorities in subclause 212(1)

Clause 49	Amend clause 220 to allow an application to be made to the AAT for a review of a decision of the Commissioner under clause 49 to give a periodic reporting notice
Clause 227	Update references to Federal Court and Supreme Court of a State or Territory