



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

Motions

18 February 2021

YOUNG WOMEN AND ONLINE SAFETY

Ms SONIA HORNER (Wallsend) (13:01):

I move:

That this House:

- (1) Notes a recent report titled Free To Be Online shared experiences of young women and girls who faced harassment on social media platforms.*
- (2) Notes it is clear that little is done to protect girls and young women online.*
- (3) Calls on the Attorney General to reform legislative frameworks to deal with online harassment and violence against all girls and young women.*

Technology has overtaken the world. The internet, for good and sometimes not for good, plays a big role. I know that parents would agree with me when I say that they worry that online abuse, harassment and hate is taking social media in a wicked direction. Harassment includes sexual and pornographic pictures, death threats and impersonation—deep, dark messages.

Many women in this place have experienced harassment in person, by mail, by email or, most predominantly, online via their social media pages. I have been targeted via social media many times. I have received threats against my life that have forced me to involve the police.

The Free To Be Online report spoke to 14,000 girls across 32 countries around the world, including Australia, about their experiences online. It is the largest ever survey of its type. The report showed that more than half of the women surveyed were harassed and abused on social media—that is shameful.

In 22 countries girls were exposed to horrible explicit messages, pornographic pictures and cyberstalking. Some 59 per cent of women reported being targeted with abusive and insulting language, 41 per cent of women faced deliberate embarrassment and 39 per cent of women were subjected to body shaming and threats of sexual violence.

Australian results were worse than the global average: 65 per cent of girls and young women reported being harassed or abused online—that is also shameful. The survey tells us that social media platforms that are designed to connect us to a global community are drastically failing young girls and women, with inadequate reporting mechanisms that allow harmful abuse to slip through the cracks. Listen: That should not be happening. Girls must know that when they are abused and threatened online they can report it and we must ensure that there are mechanisms to do that. We must make it easier for them. They must be listened to, action must be taken and perpetrators must be held accountable.

Social media companies are using automated content moderation tools in an effort to flag and delete gendered hate speech more quickly. Those tools are designed to detect harmful social media posts instantly but they can only do so when they have been told which words are considered abusive. That leaves many blind spots for abusive language that are yet to be flagged as abusive by non-human moderators—they need human moderators. Research shows that online abusers are evolving the language they use in order to avoid detection by moderation tools. That process is called "malign creativity"—a term I had not heard before—and it is a significant challenge for social media companies; they must overcome it in order to conduct effective content moderation at scale, but at this point it has not been properly dealt with.

Abusers craft false narratives and memes that are tailored to the female politicians they seek to harass and those messages are shrouded in coded language. A great example of that false sexualised narrative—though it is a terrible example—was made against Vice President of the United States Kamala Harris. It was reported that Kamala Harris slept her way to the top and was therefore unfit to hold office. Of course, not only is that not correct, but when are those statements ever made about the male gender? I congratulate Kamala Harris on doing a wonderful job. Coded language and dog whistles are subtle messages that are designed to be understood by a certain audience without being explicit, which makes detecting gendered and sexualised disinformation on social media particularly difficult without high levels of investment in detection technology.

That is why the report recommends that social media platforms update their content moderation tools to pick up new and emerging narratives that demean the world's most powerful women. It must be done in coordination with the women themselves and it must be done with campaign and marketing teams as well. Platforms must allow women to submit incident reports that cover multiple individual

posts, rather than forcing them to report each piece of abusive content one at a time, which is laborious and upsetting and creates barriers against reporting. But the buck stops with the social media sites first. When they fail or when problems fall through the cracks, governments are obliged to step in. That is why I urge the Attorney General to work with his State and Federal counterparts to reform the legislative frameworks that deal with online harassment and violence against all girls and young women, otherwise it will continue and it will get worse.

Ms MELANIE GIBBONS (Holsworthy) (13:08):

I move:

That the motion be amended by omitting paragraphs (2) and (3) and inserting instead:

(2) Commends the Commonwealth eSafety Commissioner for dealing with online harassment and violence against all girls and young women.

I thank the member for Wallsend for bringing this important issue to the House. Regulating the online space is ultimately the responsibility of the Commonwealth Government, with the New South Wales Government taking on a more consultative role. That recognises the fact that the ongoing COVID-19 pandemic has resulted in a significant increase in internet usage globally, as the world has turned to the internet for work, education and social activities. Online abuse targeting women and girls can take many forms, from physical threats and sexual harassment to displaying unsolicited offensive or sexually explicit material.

The 2020 report *Free To Be Online* published by Plan International, a non-government organisation which supports girls' rights, reported that 58 per cent of girls surveyed in 22 countries reported experiencing some form of online harassment on social media platforms. Of those who had been harassed online, 47 per cent had been threatened with physical or sexual violence. Online abuse can have serious consequences for women, including higher levels of anxiety, stress and depression. Online abuse can impact women in their own homes, workplaces or schools 24 hours a day, seven days a week. There can be no break from it.

The work that I was involved in through the inquiry into the prevention of youth suicide stressed to me that this is such an important issue that needs to be addressed. It is important that its targets know where to turn. It is important they know that the Office of the eSafety Commissioner is the Australian Government agency responsible for keeping Australian citizens safe online. The Commonwealth eSafety Commissioner was created by and operates under the Commonwealth Enhancing Online Safety Act 2015. In April 2020 the Commonwealth eSafety Commissioner reported that higher use of the internet during the COVID-19 crisis had been accompanied by a 40 per cent spike in reports to the commissioner across its reporting areas, as Australia transitioned into working and studying from home.

Under the Commonwealth Enhancing Online Safety Act 2015, the Commonwealth eSafety Commissioner oversees a regulatory framework to address the take-down of serious cyberbullying material targeting Australian children. The Commonwealth eSafety Commissioner may investigate complaints relating to material which any ordinary, reasonable person would conclude is likely to have been intended to have an effect on a particular Australian child, and which would likely have the effect of seriously threatening, intimidating, harassing or humiliating that child. If satisfied that a complaint has been made out, the Commonwealth eSafety Commissioner may issue social media services with notices to remove such cyberbullying material. Once a request or notice has been issued by the Commonwealth eSafety Commissioner, social media services have 48 hours to remove child cyberbullying material. Failure to comply attracts a civil penalty of up to 100 penalty units. The Commonwealth eSafety Commissioner can also issue removal notices to the end user who posted the cyberbullying material.

The commissioner does not currently have the legislative power to remove abusive or threatening material directed towards an adult; however, the Commonwealth Government is currently undertaking public consultation on an exposure draft of a new online safety Act, which includes an adult cyber abuse scheme. Under the proposed scheme the Commonwealth eSafety Commissioner would be able to investigate complaints of cyberbullying against adults, and issue removal notices to service providers and end users where satisfied that a complaint has been made out. Under both Commonwealth and New South Wales laws, serious cyberbullying of an adult can also constitute a criminal offence. Under the Commonwealth Criminal Code Act 1995 it is a criminal offence to use a carriage service to menace, harass or cause offence. The offence is punishable by up to three years' imprisonment and has been used to prosecute serious cyber abuse of adults.

In New South Wales it is an offence under section 13 of the Crimes (Domestic and Personal Violence) Act 2007 to stalk or intimidate a person with the intention of causing them to fear physical or mental harm, punishable by up to five years' imprisonment, 50 penalty units or both. The definition of "stalking" includes contacting or approaching a person via the internet or other technologically assisted means. The definition of "intimidation" includes cyberbullying. While the offence is contained in the Crimes (Domestic and Personal Violence) Act, it is an offence of general application and does not need to occur in a domestic violence context.

Having an image posted online without their consent can leave people feeling invaded and violated—more so if it is an intimate image. A young person in particular could feel victimised and not know where to turn. It is important they know that the Commonwealth eSafety Commissioner's current functions include administering a civil penalties scheme to assist with the removal of intimate images or videos of both adults and children from online platforms. The commissioner has powers to investigate complaints relating to intimate images and to issue removal notices to service providers and end users, requiring them to take all reasonable steps to remove said images. Posting an intimate image without consent and failure to comply with a removal notice both attract a civil penalty of up to 500 penalty units. According to a 2019 speech by the Commonwealth eSafety Commissioner, her office has been successful in having image-based abuse material removed from online platforms in over 80 per cent of cases.

Under the Crimes Act 1900 it is an offence to record, distribute, or threaten to record or distribute an intimate image without consent, punishable by imprisonment for up to three years, 100 penalty units or both. The Commonwealth regulatory regime for online safety and both Commonwealth and New South Wales criminal offences capture a wide range of online harassment that requires regulatory or criminal justice intervention. In December 2020 the New South Wales Government and the Commonwealth eSafety Commissioner jointly launched a new campaign to crack down on image-based abuse by providing advice and support to people who have had intimate digital content shared without their consent.

Reports of image-based abuse to the Commonwealth eSafety Commissioner increased by 130 per cent between April and December 2020 when compared to the same period a year earlier. In a joint media statement released by the New South Wales Government and the Commonwealth eSafety Commissioner it was reported that women aged 18 to 24 are among those most at risk, but image-based abuse can happen to anyone, regardless of age, sexual orientation, race, religion or socio-economic status. Anyone experiencing abuse can report it to esafety.gov.au or call 1800RESPECT, which is 1800 737 732, for 24/7 support and referrals. Please know that help is available.

Debate interrupted.

Ms Jenny Leong:

I seek the leave of the House to permit the motion, which is due to lapse under Standing Order 105 on 19 February 2021, to not lapse so that it may be considered on the next sitting day that general business is considered. Given that the Government has moved to amend the motion, I would assume the Government is supportive of the motion. The amendment sounded quite strong. Given that there are a number of MPs, particularly women, who would like to make a contribution to the debate around the idea of online intimidation of women and girls, I seek the leave of the House to allow the motion to continue for debate so that people are able to make a contribution. Recognising that the purpose of the motion is about highlighting the fact that women and girls are not feeling safe in online spaces, I hope that we would give the space for women MPs in this place to express their views. I request that debate on the motion continue on private members' day, recognising that the Government is supportive of its own amendment. It has just moved an amendment to the motion. The amendment will never be voted on if we are not allowed to continue debate.

Leave granted.

TEMPORARY SPEAKER (Mr Lee Evans): I will now leave the chair. The House will resume at 2.15 p.m.