

AUSTRALIAN HATE CRIME NETWORK

Working to improve understanding, reduce incidence and minimise the impact of hate crime and hate incidents in Australia.

Media Release

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Proposed Online Safety Act must deal with the fomentation of hatred online

The proposed *Online Safety Act* is an opportunity to deal with the public advocacy of hatred or prejudice-related violence, against segments of the community – an opportunity that cannot be missed given the significant harms incitement poses to public safety.

The Australian Hate Crime Network (AHCN), comprised of academics, researchers, community representatives and legal specialists, is recommending substantial improvements to the way social media companies and other online services are regulated, including consideration of a new legislated civil standard against incitement to be included in the Act.

In its response to the Government's Discussion Paper, the AHCN acknowledges the Government's leadership on cyber bullying and cyber abuse, but notes that this is limited to cases where an individual is abused.

Network Co-Convenor Professor Gail Mason said the proposed act 'is largely silent on how to deal with the fomentation of hatred online against whole segments of the community based on their group identity, which we know is a pre-cursor to hate crime in the real world.'

In 2019, a survey of more than 3700 Australians found the overwhelming majority supported action to check the spread of online hate speech, including the introduction of legislation and getting social media companies to do more.^[1]

The AHCN submission makes a number of recommendations, including that the Australian Government consider:

- Legislating a new civil standard within the Act that will make the public advocacy of hatred unlawful. To move this discussion forward, the AHCN has suggested possible wording for further consultation, based on the *International Covenant on Civil and Political Rights* standard, which combines public advocacy of hatred with incitement to discrimination, hostility or violence. Recognising the importance of freedom of expression, this civil standard would sit at a higher threshold than most vilification law in Australia while providing universal protection to groups with established vulnerability to hate crime.
- Empowering the e-Safety Commissioner to serve take down requests for extreme and clearly harmful examples of public advocacy of hatred or prejudice-related violence.
- Designing a Continuum of Online Safety Expectations, rather than just a minimum standard, to incentivise continual improvement from online providers, especially with regards to their handling of repeat offenders, the removal of barriers to justice online, handling of false news, the operation of algorithms and degree of engagement with stakeholders, including research institutions and civil society.

- Introducing sanctions for social media companies and other online services that fail to comply with standard expectations. The AHCN recognises that it is reasonable to align expectations and consequences within a continuum that reflects provider capacity.
- Further measures to ensure the e-Safety Commissioner refers all extremist material connected to terror attacks causing loss of life, for RC classification.

The AHCN full submission to the National Consultations on an Online Safety Act can be viewed [here](#).

The AHCN notes that the contents of this submission represent the views of non-government and academic members of the AHCN. It does not represent the views of representatives of any government agency or department.

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^[1] Australian Government, e-Safety Commissioner, *Online Hate Speech: Findings from Australia, New Zealand and Europe* (January 2020), <<https://www.esafety.gov.au/about-us/research/online-hate-speech>>.