



ABC submission on the statutory review of the Online Safety Act 2021

Introduction

The Australian Broadcasting Corporation (**ABC**) welcomes the opportunity to respond to the Statutory Review of the Online Safety Act 2021 Issues Paper (**Issues Paper**) released by the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts. While the Issues Paper covers a broad range of matters, this submission focuses on online safety in respect of social media and the media sector, and the challenges the ABC has faced in protecting its presenters, reporters and social media moderators from online harms.

Australians of all ages have embraced social media platforms as a way to interact with friends and family, and to discover content that interests them. They have come to rely on them as a source of entertainment, information, and news. Unfortunately, the open nature of the platforms means that this can also expose them to mis- and disinformation as well as harmful content.

The emergence of social media as a channel for news and entertainment has also irrevocably changed the Australian media environment. The fact that many Australians prefer to access digital content via social media requires the ABC to be active in such spaces.¹ It cannot cede what has become a public space to mis- and disinformation, and it must ensure that good quality news and entertainment is available. But in this, it should also be recognised that those whose work involves social media must also face its harmful aspects. Journalists and other ABC employees are routinely targeted on social media, and the work itself, including moderation, exposes them to distressing content and communications.

The ABC believes it is important to address these negative effects to minimise the risks of online harm and enable all Australians to use online services safely.

Journalism, social media and online harms

Social media is a critical tool for many journalists and other content creators. A 2023 survey of Australian journalists found that 96% of respondents used social media in

¹ For example, in 2024, 49% of Australians used social media to access news, and 60% of Gen Z used social media as their main news source. Park, S., Fisher, C., McGuinness, K., Lee, J., McCallum, K., Cai, X., Chatskin, M., Mardjianto, L. & Yao, P. (2024) *Digital News Report: Australia 2024*, 10, 14. Canberra: News and Media Research Centre, University of Canberra.

their work and 73% used social media as a story source.² However, journalists' use of these platforms professionally can also expose them to online abuse.

It has been well-documented that some groups of people are more likely to experience online harm.³ Among them, people with public profiles, such as journalists, are at greater risk.⁴

In a 2021 report, the Director of the International News Safety Institute noted:

“In recent years, online harassment targeting journalists has grown dramatically in both frequency and intensity. Few journalists know how it feels to be shot at, but most journalists by now have experienced firsthand what it’s like to be abused or threatened online. The impact on individuals and the whole profession is devastating, leading many to describe online harassment as one of the most serious threats to press freedom globally today.”⁵

Research suggests that nearly three quarters of women journalists have experienced online abuse, with journalists from minority communities disproportionately impacted.⁶ This disturbing trend is reflected in the incidents of online abuse reported by staff at the ABC. Between 2022 and 2024, 67% of recorded incidents were directed at women, and 37% directed at journalists who are culturally and linguistically diverse, Indigenous, LGBTQIA+ or living with disability. However, it is likely that the proportion of incidents of online abuse directed at diverse journalists is even higher, as diversity data was only recorded if it was mentioned in the online abuse. The key themes of incidents reported to the ABC during the period involved the following types of harm:

- violent threats
- fixated individuals
- pile-ons
- doxxing
- cyber flashing
- pornographic deepfakes.

² The top seven platforms used by journalists professionally were Facebook, Instagram, LinkedIn, Twitter/X, YouTube, TikTok and WhatsApp. [Medianet 2024 Australian Media Landscape Report](#), 91-92.

³ As the Issues Paper notes, these groups include women, people from culturally and linguistically diverse backgrounds, people living with disability or medical conditions, Aboriginal and Torres Strait Islander peoples, people who identify as LGBTQIA+, people with particular religious beliefs, children and older Australians. [Issues Paper](#), 10; House of Representatives Select Committee on Social Media and Online Safety, '[Social Media and Online Safety](#)' (March 2022), 29-44.

⁴ [Issues Paper](#), 49; House of Representatives Select Committee on Social Media and Online Safety, '[Social Media and Online Safety](#)' (March 2022), 79.

⁵ INSI, UNESCO & Thomson Reuters Foundation/ Khaled Abdullah, '[Online Attacks Against Journalists: Know Your Rights](#)', (November 2021), 12.

⁶ Posetti, J, Shabbir, N, Maynard, D, Bontcheva, K and Aboulez, N, '[The Chilling: global trends in online violence against women journalists; research discussion paper](#)' UNESCO (2021) 12; [Issues Paper](#), 49; House of Representatives Select Committee on Social Media and Online Safety, '[Social Media and Online Safety](#)' (March 2022) 79.

The ABC also expects that incidents of online abuse experienced by ABC staff is underreported. A UNESCO study found only 25% of journalists report online abuse to employers.⁷

As noted in the Issues Paper, online abuse has been described as having a "chilling" effect on women journalists' active participation in public discourse, which is detrimental to media freedom and a threat to democracy.⁸ International surveys have reported that 48% of women journalists self-censor, 22% close social media accounts and nearly a third consider leaving the profession as a result of online abuse.⁹

Support for regulatory measures

The ABC actively promotes online safety practices, training and resources to its staff as a way to proactively manage and mitigate the risks of having an online presence and engaging on social media. Notwithstanding these activities, the proliferation of online abuse cannot be sustainably managed at an individual or organisational level alone. Despite the introduction of the complaint mechanisms under the *Online Safety Act 2021 (Online Safety Act)*, it remains the case that harmful online conduct, which can be extremely distressing for the subject, often does not reach the necessary thresholds to be dealt with via the adult cyber-abuse scheme or to pursue court action or police intervention. When an incident falls outside of the eSafety complaints schemes, the remedies currently available at Law (e.g., in defamation) also do not provide an effective mechanism to quickly stop the offensive conduct. Accordingly, the ABC would support appropriate additional regulatory measures to enhance user safety on social media platforms, such as a requirement to incorporate safety by design principles, and makes the following comments in respect of matters raised in the Issues Paper.

Volumetric (pile-on) attacks and threats against groups

The ABC would support online platforms implementing additional safeguards to minimise the frequency and harmful effects of pile-on attacks and threats against groups.

As the Issues Paper acknowledges, pile-on attacks can be among the most serious forms of online abuse,¹⁰ but the mechanisms in the Online Safety Act currently provide limited recourse. The adult cyber-abuse scheme requires each individual post to be assessed against the high threshold for eSafety intervention, and the Basic Online Safety Expectations that apply to social media platforms and other online services operate as benchmarks and do not impose legally enforceable obligations.

⁷Posetti, J, Shabbir, N, Maynard, D, Bontcheva, K and Aboulez, N, 'The Chilling: global trends in online violence against women journalists; research discussion paper' UNESCO (2021) 15.

⁸ Posetti, J, Shabbir, N, Maynard, D, Bontcheva, K and Aboulez, N, 'The Chilling: global trends in online violence against women journalists; research discussion paper' UNESCO (2021) 6. *Issues Paper*, 49.

⁹ Reporters without Borders, 'Sexisms Toll on Journalism' (8 March 2021), 25; Ferrier, M, 'Attacks and Harassment: The Impact on Female Journalists and their Reporting', International Women's Media Foundation in collaboration with Troll Busters, 7.

¹⁰ *Issues Paper*, 47.

Given the seriousness of the harm that pile-ons can inflict on individuals, the ABC considers that there would be value in the eSafety Commissioner being able to promptly engage in the takedown of related abusive posts, similarly to the current arrangements under the adult cyber-abuse scheme.

There is currently limited ability for the eSafety Commissioner to require the removal of hate speech threatening groups rather than individuals.¹¹ The ABC would support additional obligations on social media platforms to take steps to minimise and respond to threats against groups on their platforms. The increased prevalence of this material on platforms means that online moderators are more frequently exposed to it, which can be distressing and lead to vicarious trauma, especially where the moderator represents the population group being targeted.

International approaches to online safety regulation

Australia of course is not alone in grappling with online safety – addressing online harms is an issue globally and a number of jurisdictions have taken regulatory steps since the Online Safety Act commenced, as highlighted in the Issues Paper. As a global issue, the ABC sees value in Australia seeking to align approaches with other jurisdictions, where appropriate, to support consistency in the regulation of conduct that frequently crosses national borders and involves large, multinational platforms.

A preponderance of the international schemes surveyed in the Issues Paper involve a systems-based approach to harm prevention, which places obligations on the entity that owns or controls the regulated platform or service to take steps to minimise harms to users – the EU and UK schemes are prime examples.

Another key trend is a more targeted or tiered regulatory approach based on the risk and reach of a platform or service. For example:

- the Canadian scheme is targeted at social media services that meet a threshold number of users or are otherwise designated;
- the UK scheme applies to user-to-user platforms, search services and services that provide pornographic content, and greater obligations are imposed based on risk and/or reach criteria; and
- the EU scheme targets online search engines and online platforms that disseminate user generated content to the public, and greater obligations are imposed on those services if they reach more than 10% of EU consumers.

As with the schemes outlined above, the ABC considers potential future amendments to the Online Safety Act should take a risk-based approach to the imposition of additional regulation on online services and enhance the enforceability of systems-based measures aimed at user safety for social media platforms with a significant Australian user-base.

¹¹ Guidance in the [Explanatory Statement](#) for the *Online Safety (Basic Online Safety Expectations) Amendment Determination 2024* indicates hate speech can involve expressions of hate against a person or group of people on the basis of race, ethnicity, disability, religious affiliation, caste, sexual orientation, sex, gender identity, disease, immigrant status, asylum seeker or refugee status, or age.