

Submission in relation to the Proposed Online Safety Bill 2021

Let me state from the outset that the Proposed Online Safety Bill 2021 will go some way to improving safety for vulnerable people and minors on the internet. However the internet is a wide world web and for governments to be effective in online safety there has to be universal consensus by national governments to agree a code that ensures safety to users of the internet and be able to effectively implement it.

One significant roadblock to this scenario are the major Big Tech companies who are a law unto themselves and have the power of their global status to ignore government legislation if it does not suit their interests. Examples are the threat by Google to remove their search engine availability to Australian internet users if the government presses ahead with the Digital Media Code as well as ignoring national government's concerns of monopoly issues (anti-trust) by proceeding with the \$U.S.2.1 billion Fitbit acquisition despite ACCC and U.S. Justice Department's stated concerns. The major social media companies from their initial beginnings were publishers of material but have now become editors and will edit or block material that is not in their company's interest or political persuasion but permit other material that may be considered harmful to minors or vulnerable people on the basis of 'freedom of choice'.

Along with the subject Proposed Online Safety Bill 2021, the U.K. and the European Union are in the throes of enacting legislation to improve safety on the internet and hopefully also curb the monopolistic tendencies of Big Tech with the U.S. Justice Department recently commencing litigation proceedings for anti-trust violations.

The proposed Online Safety Legislation will only be effective in Australia, due to jurisdiction restraints and this is why there must be a concerted effort by the government to agree an international code with the other major countries for online safety so that servers in other countries can be taken down that are distributing directly from their individual websites, serious online abuse and harmful content.

My focus is on the aspect of suicide and self-harm as one in five people in Australia will be affected by mental health in their lifetime with suicide being the major cause of death in the 12-25 age group.

Cybersuicide is a major contributor of deaths in Australia and can comprise the following :

- Cyber bullying through social media sites
- Harmful material illustrating people taking their lives and instructions on many ways of suicide.
- Cyber 'Chat Rooms' where vulnerable and distressed people are led into self-harm and suicide.

It is acknowledged that the proposals to curb cyber bullying in the legislation should significantly curtail and arrest one of the causes of suicide and self-harm. However harmful suicide material and suicide 'Chat Rooms' also play a major role in the suicide rate and is not generally recognised by medical clinicians (psychologists and psychiatrists) as a significant contributor to suicide especially with youth and who from my experience are oblivious to 'at risk' suicidal patients searching these sites on the internet.

The Centre for Suicide Research, Department of Psychiatry, University of Oxford, England in a paper on the subject of 'Self-harm and Suicide in Young People' stipulates the effects of media and contagion are important with **the internet** having a significant role in contributing to self-harm. Co-author of the report Professor Paul Montgomery indicated that it is young vulnerable people who are going online specifically to find out more about harming themselves or because they are considering suicide already. The question is whether the online content triggers a response so that

they self-harm or take their own lives and we have found that there is a link.

The proposed Bill amongst other things stipulates that there will be expanded powers for the eSafety Commissioner to address illegal and harmful content overseas **and** new powers to disrupt access to seriously harmful online material made available on search engines and app stores. **I believe these powers will be fairly ineffective and provide the following example to illustrate this issue:**

The website and social media "chat room" sanctioned suicide.com has been responsible for many young people's deaths in Australia, Asia, U.K. and the Americas and came to the notice of the Australian regularity authorities in early 2019. The authorities acted quickly and believed the site was hosted from a small state in Europe with the servers being situated offshore and protected. The website was available on any Big Tech search engine and discussions followed with the regularity authority and Google as the website contravened several classification codes, the Broadcasting Services Act, the Telecommunications Act and the Commonwealth Criminal Code Act. Google's attitude was disappointing as they viewed the site as 'freedom of expression' and would only compromise to the extent that they would also include suicide prevention organisations (e.g. Lifeline) when the site was searched.

The Government as a consequence acted to block the website by instructing Australian Internet Providers through the Australian Federal Police (AFP) to make the site unavailable in Australia. Unfortunately, Australian internet users can circumvent blocking by changing the DNS settings or implementing a VPN to another country where the website is freely accessible. Software such as 'Hola' can also be downloaded free from the internet and will provide access to these overseas websites by doing just that. The Administrator of this harmful website provided circumventing instructions on Google so that existing Australian users could continue accessing the site. Young vulnerable people can still access these sites which are blocked in Australia, if available in another country, as the 'know how' is not difficult to comprehend and undertake.

The Australian Regularity Authorities, given their due, attempted to have this website taken down from the internet by engagement with the relevant authorities where they believed the site was hosted but this proved futile without a general consensus amongst the major international countries to outlaw such websites. Whilst the AFP have been successful in engaging with the likes of Interpol with the INHOME Scheme that takes down child pornography and abuse sites, however the likes of 'suicide sites' do not make the 'Worst Of' List to be given any priority by Interpol.

Whilst the Government is to be commended for introducing the proposed legislation it will not be effective in removing serious online abuse at source without a universal code of conduct agreed between major nations and Big Tech. The pandemic has stalled progress on ensuring the internet is a safe place but recent legislation to be introduced in the U.K. (Online Harms Bill) and the European Union (the Digital Services and the Digital Markets Acts) will improve safety on the internet and with the latter legislation, curb to some extent the power of Big Tech. A significant step in this direction would be for the United States Congress and Senate to repeal Section 230 of the U.S. Communications and Decency Act whereby the Big Tech giants would lose their immunity to prosecution as they are no longer just publishers but also editors of the internet.

The actions of the Australian Prime Minister calling for a unified code of conduct at the recent G7 Meeting in Osaka will hopefully lay the foundations for an international charter agreeing to a set of rules for maintaining online safety on the internet, although the difficulties to achieve this aim are well documented and recognised through the dealings of Interpol and INHOPE.