

18 February 2020

Director

Online Safety Research and Reform Section
Department of Communications and the Arts

By email: onlinesafety@communications.gov.au

Online Safety Legislative Reform

Women's Legal Service NSW (WLS NSW) thanks the Department of Communications and the Arts for the opportunity to comment on the Online Safety Legislative Reform Discussion Paper of December 2019.

1. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice.
2. We welcome the initiative to bring together the separate components of the existing regulatory framework into a single Act. This has the benefit of being better able to adapt to new and emerging forms of online harms, and making the protective functions easier for victims to access.
3. However, we are concerned that the proposed regime of 'expectations' of online service providers to deliver improved safety outcomes lacks sufficient enforceability to be effective. We have not found self-regulation and voluntary codes of conduct to be



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effective as a means of protecting victims of domestic violence from harassment to date. For example, our efforts at encouraging telecommunications service providers to use the provisions of their Life-threatening and Unwelcome Calls Code to assist victims have been unsuccessful.

4. For further information about WLSNSW views on these issues, we refer to our Submission of July 2017 on civil remedies for the non-consensual sharing of intimate images.¹
5. In summary, we recommend that the establishment of the new Online Safety Act be accompanied by a robust and readily enforceable regulatory regime. This should include criminal remedies for non-compliance with directions and a requirement to act quickly to remove harmful content, as outlined in our submission referred to above.

If you would like to discuss any aspect of this submission, please contact me or Philippa Davis, Principal Solicitor on 02 8745 6900.

Yours faithfully,

Women's Legal Service NSW

Helen Campbell
Executive Officer

¹ <http://www.wlsnsw.org.au/wp-content/uploads/WLS-NSW-civil-remedies-regime-for-non-consensual-sharing-of-intimate-images-fa.pdf>