withyouwecan.org
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MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

With You We Can welcomes deal to create stronger digital safety laws, including new right-to-sue provision

With You We Can welcomes a Labor-Greens deal that should see the Online Safety Amendment (Digital Duty of Care) Bill pass through the Senate with stronger protections for people harmed online by the end of the year.

Amendments to the Bill include providing individuals with the right to take private legal action, and seek damages, against online platforms for loss or damage caused by a platform's failure to meet its duty of care, while the maximum penalty for companies that breached their duty of care would be raised to 5 per cent of global revenue.

The Government will also be able to establish an independent digital complaints ombudsman, giving people an external place to take a complaint about a platform.

As a lived experience-led national advocacy organisation, With You We Can has campaigned for stronger action to give the people harmed by online abuse a place in the scheme, including a pathway to remedy.

With You We Can's Director of Advocacy and Reform, Lara Freidin, said the amendments went a long way to providing those harmed online with a voice.

The amendments also strengthen the eSafety Commissioner's powers against apps and websites designed to generate fake nude images, she said.

"Image-based abuse, sexual extortion and technology-facilitated coercive control are now part of the reality of sexual violence in Australia, but the platforms where that abuse happens have carried little responsibility for it until now," Ms Freidin said.

"Our justice system relies on victim-survivors coming forward, yet too often gives them no voice in what happens next.

"This deal and the amended legislation mean that those harmed online will have a way to act in their own right and to be heard.

"When someone's intimate image is shared without consent, they want three things: the image taken down, to know what the platform did or did not do, and the harm acknowledged. A court will now be able to order a platform to compensate them and to apologise, which goes a long way to the third.

"There is still more to do, including extending the new protections for reposted material to intimate images and naming sexual extortion as seriously harmful. We will keep working on these as the new laws are implemented.

"We look forward to working with the Government and the eSafety Commissioner so that victim-survivors know their rights under the new laws and are able to use them.

"We encourage all senators to support the Bill's passage by the end of the year."

If this raises concerns for you, support is available from Full Stop Australia on 1800 385 578 (1800 FULL STOP).

ENDS

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About With You We Can

With You We Can is a lived experience-led national advocacy organisation and legal education platform. We demystify the police and legal systems for victim-survivors of sexual violence while working to improve them.