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MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

With You We Can urges Senate to pass online safety bill with amendments that give victim-survivors a voice

With You We Can is urging the Senate to act quickly to pass the Online Safety Amendment (Digital Duty of Care) Bill, which will force online platform owners to take responsibility for finding, reporting and removing harmful and abusive online material.

As a lived experience-led national advocacy organisation, we know a duty of care is the right approach to encouraging safety online.

However, we are calling on the Senate to consider three key amendments to better protect and empower victim-survivors before the legislation is passed.

They include:

- Give the individual harmed a place in the scheme, including a right to complain to the eSafety Commissioner about a platform's breach, to be told of the outcome, and to be provided a pathway to remedy
- Extend the application of new protections for reposted material to include intimate images
- Name sexual extortion as seriously harmful.

With You We Can executive director Sarah Rosenberg said the Bill had got many things right, indicating that the government was listening to the concerns of victim-survivors and advocates.

However, improvements could still be made without holding up passage of the Bill through Parliament, she said.

“For years, the gender-based violence sector has been calling for a shift from reactive takedowns to a systemic obligation on platforms to take responsibility for the safety of their services and the harm they can spread,” Ms Rosenberg said.

“This Bill enables this shift, while also recognising additional forms of abuse by correctly naming fake nude images, and posting or threatening to post an intimate image without consent, as seriously harmful.

“Yet when the draft Bill was first released, it was promoted as a gender-based violence reform without mentioning gender-based violence once. Thanks to the collective advocacy of victim-survivors, frontline services and women’s safety experts, the Bill now defines gender-based violence and names material that encourages, promotes, incites or instructs it as seriously harmful.

"That change matters because this Bill is meant to be about protecting victim-survivors. If it exists to protect them, they should have a voice within it.

"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. This Bill delivers the first but offers nothing for the second or the third.

"Given the duty of care doesn't start until 12 months after the Bill passes, there's still time to get this right.

"This Bill is solid and should pass before Parliament wraps for the year, however, we are now asking the Senate to make sure that those it is meant to protect have a meaningful place in it."

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.