

Senate Legal and Constitutional Affairs Committee

PO Box 6100

Parliament House

Canberra ACT 2600

[legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear committee Secretary,

**The adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying**

**Who we are**

The National Council of Single Mothers and their Children Incorporated (NCSMC) is an organisation dedicated to single mothers. The Council has become a platform whereby both the community and the Government can communicate; it has led the way in obtaining a range of beneficial outcomes; has actively sought to reduce systemic prejudice; continually challenges existing norms, and over many years has achieved improved opportunities and outcomes for single mother families.

One of our greatest strengths is our expertise and commitment in the provision of assistance and information to single mother families affected by poverty, violence and hardship.

Our recommendations and the context can be found on page two and three of this submission. In summary they are:

- 1: Establish a National Cyber Safety Unit**
- 2: Establish a cyber bullying threats unit to work with and support organisations and/or individuals who become subjects of cyber bullying and abuse because of their role /advocacy work.**
- 3: Institute legislation along with investigative and prosecution capacity.**

**Social Media: A Double Edge Sword**

The use of social media has empowered women, we know first-hand the benefits for woman who are unsafe but can assume an anonymous profile, which enables them to seek information and stay engaged with their networks and their community. It has the capacity to reduce isolation, connect with others and can be a key element in a women's journey as she seeks a safer and brighter place for herself and her family.

However, there is a negative and it is the received abuse and threats. In our experience they become very personal and at times it includes our children. It appears that some of most horrifying abuse and threats are reserved for women who speak out or those deemed to be feminist. NCSMC is not immune to the level of threats and abuse. We are still unclear as to how supporting and assisting



National Council for Single Mothers and their Children Inc.

Eliminate and respond to violence, hardship and inequality for single mothers and their children

✉ PO Box 2238, Hilton, 5033

P 08 8354 3856

E [ncsmc@ncsmc.org.au](mailto:ncsmc@ncsmc.org.au)

[www.ncsmc.org.au](http://www.ncsmc.org.au)

single mother families affected by poverty, hardship and domestic violence constitutes a 'threat' but it does demonstrate the very skewed nature of this form of abuse and the dangers of platforms when minus protective laws. The free-range of cyber abuse is a signal to others, 'speak out' and you could be the target of online hostility. The remedies in Australia have lagged or remained stagnant whilst the level of abuse has increased and the process of making a formal report remains largely ineffective. Our greatest concern is for the women who described the abuse and process of reporting as re-traumatising, noting their experience of domestic violence. We must do better and not "normalise" this level of abuse. It is not 'part of the job'.

This is not an Australian phenomenon and a starting point would be national legislation like the [Harmful Digital Communications Act 2015 \(New Zealand\)](#). We would also support a global process that requires social media platforms and hosting services to be accountable for their digital communication when used to harass, abuse and threaten individuals. We know that legislation and legal responses are important and for women whose safety is in jeopardy it is critical but we must not forget that the prevalence and the gendered nature of this form of abuse. I trust that the threats that NCSMC experienced can add to the learnings and ultimately lead to a progressive outcome.

### **Background: Saturday 25th June 2016**

I was alerted by a new administrator of the NCSMC's Facebook page, that there was a message containing a warning. The administrator understood that myself and my son's safety had been threatened.

I learnt that there was a Facebook page known as **DAVE** and or a comparable name. Apparently, the page would close and then would reappear using similar acronyms. I received screenshots of various posts that stated they were *targeting* two female Facebook profiles and their "associates". The post stated that once they knew personal details that it would be released and the details included; the identities, the residential address, names of the children and the school where the children were attending.

It appears that my connection was noted by DAVE, whilst in the capacity of the CEO of National Council of Single Mother & their Children Inc. I provided information and assistance to a group known as the *Single Parent Action Group* most notably around legislative changes to the Parenting Payment Single (2013) and during this period I interacted with one of their targeted profiles. After reading the various screenshots, it was my interpretation that I was not a direct "target" but more a noted "associate" and the implications of this remains elusive.

It's important to understand the upheaval, the time, the cost, the emotional energy, and the impact to a very small under-resourced not-for-profit organisation some of which are captured below.

### **NCSMC Response**

- Contacted other women that we knew and were also named as an 'associate'. Some of the connections were extremely tenuous and from several years prior. This gave the impression that there had been a degree of investigating by the members of DAVE.
- Ensured that the women named were kept informed.
- Contacted Facebook and requested that that page be closed, this request was not granted.
- Increased and changed our passwords /security to all NCSMC professional social media platforms and websites.
- Informed the NCSMC Board and reported the matter to the DSS Grants manager

- Reported the incident through ACORN which then went to SAPOL, and it was deemed not actionable.
- I ceased using my personal identity on my Facebook page as I started to encounter waves of unusual “friend requests” approximately 4 to 15 in a short period of about 15 to 60 minutes. The profiles were unusual, as there was no history and commenced within the last 24 hours. It was systematic well-planned and I can only assume that they were letting me know that they had ‘found me’
- I removed NCSMC very new Facebook administrator from her duties as she was distressed.

## Recommendations

### National Cyber Safety Unit

NCSMC welcomed the convenience of reporting the incident online via ACORN but it also had some limitations. The current process of reporting a threat made to a *collective* is diluted as each threat is handled by the differing State and/or Territories, dependent upon the complainant’s residential address. In this circumstance, the threats made against me, were viewed as an isolated matter, not as part of a larger collective threat that involved several women. Consequently, it was deemed not to warrant police intervention. However, if there was a national body, all the threats could have been reviewed in its entirety and perhaps provoked a differing response. The diligence and resolve shown by the operators of the dubious Facebook page could have drawn more attention if it was investigated. A national approach would have increased our safety and provided a greater sense of protection. I did learn that one of an anonymous profile had her personal details published on the page as per threatened on the page. It was particularly distressing for this woman as she had been affected by domestic violence and was trying to ensure that her location was not known. The limitations of the current online reporting prohibit any triggers, response and or warning to other women who had received a threat.

### **Recommendation 1: Establish a cohesive National Cyber Safety Unit**

#### Cyber Bullying Threats Unit

It was clear that it was my employment and the work that I undertake within this role that made me a *target*. The government should provide free of charge, cyber safety advice and support for organisations such as NCMSC. NCSMC does not have the financial capacity for IT support and our needs are purchased on a as required basis. The advice that I sought to understand the threat to our social media platforms and to our websites, the possible consequences, along with probable remedies were ones that I sought out and without any financial capacity to pay for formal expert advice. NCSMC would have benefited from a specialist unit and to have received timely and prompt advice. This process would be further enhanced if it included access to some funds to have our websites and social media platforms managed by a security specialist especially while the threats were in play.

### **Recommendation 2: The government establish a cyber bullying threats unit to work with and support organisations and or individuals who become subjects of cyber bullying and abuse because of their role / advocacy work.**

## Legislation

Threats made against women and children need to be taken seriously by the entities that manage and/or host the various social platform sites. Australia requires legislation which is underpinned by investigative and prosecution powers. NCSMC points to *The Harmful Digital Communications Act (2015)* of New Zealand is a starting point. There are 10 communication principles that state a digital communication should not:

- disclose sensitive personal facts about an individual.
- be threatening, intimidating or menacing.
- be grossly offensive to a reasonable person in the position of the affected individual.
- be used to harass an individual.
- make a false allegation.
- not incite or encourage an individual to commit suicide.
- The approved agency or the District Court must take these principles into account to determine if the Act has been breached when you make a complaint or bring a civil claim.

This legislation provides the victim the protection to contact the Police if the digital communication is harmful, harassing or encourages suicide. Australia could take some learnings from the New Zealand experience and with intent provide a safer Australian cyber community.

### **Recommendation 3: Institute legislation along with investigative and prosecution capacity.**

I trust that the threats that NCSMC experienced can add to the learnings and ultimately lead to a progressive outcome. NCSMC would be available to add any more information and/or to provide evidence to the Committee

Warm regards,

Terese Edwards

Chief Executive Officer