



Online Safety

OF DIVERSE JOURNALISTS

A REPORT PREPARED FOR MEDIA DIVERSITY AUSTRALIA

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ACKNOWLEDGEMENT OF COUNTRY

The Griffith University team acknowledges Griffith University is situated on the lands of the Yugarabul, Yuggera, Jagera, Yugambah, Kombumerri and Turrbal peoples. We pay our respect to the Elders, past and present, and extend that respect to other Aboriginal and Torres Strait Islander peoples.

The Macquarie University team acknowledges that Macquarie University is built on the lands of the Wallumattagal clan of the Dharug speaking peoples. We pay our respects to Elders past and present and recognise the continuity of knowledge that nurtures community and Country.



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About Media Diversity Australia

Founded by journalists in 2017, Media Diversity Australia (MDA) is a national not-for-profit organisation, working towards creating a media landscape that looks and sounds like Australia. We have expertise in delivering evidence-based research, bespoke programs, strategic memberships, and partnerships that disrupt the status quo and pave pathways for diverse representation across Australian media.



Executive summary



This Executive Summary provides an overview of the key findings of this report; and lists 15 Recommendations for Media Diversity Australia and their partners to consider.

This project was undertaken on the initiative of Media Diversity Australia, who had expressed concern about the levels of online harassment and abuse that many of their members were reporting. While it has become almost commonplace for journalists and media workers to expect some form of harmful or derogatory online commentary on their work and/or identities, this problem appeared to be exacerbated when the journalist or producer involved was from a minority community – particularly Aboriginal and Torres Strait Islander, culturally and linguistically diverse (CALD), LGBTQIA+, or people living with a disability. The purpose of this project, then, was to investigate this issue with independent research, speak to a range of journalists and media workers from diverse backgrounds, and understand their experiences and recommendations for ways that their safety might be better protected.

Overall, our study found that many journalists and media workers from minority backgrounds were experiencing online harassment and abuse from members of the public, and that often, this behaviour was considered 'part of the job' in the modern, digital environment. While we found some employers were making good efforts to assist their employees from diverse backgrounds, too often issues such as industry complacency and in-built (systemic, institutional) racism and discrimination were impacting on organisations' ability to properly protect diverse media workers. Our data also demonstrates that, sometimes, journalists from diverse backgrounds were operating in what they considered to be hostile work environments. Further, we found that while many were aware of both informal and formal reporting mechanisms, they found most comfort and support from friends, family and other diverse co-workers rather than from any of the supports that existed. The research

Overall, our study found that many journalists and media workers from minority backgrounds were experiencing online harassment and abuse from members of the public, and that often, this behaviour was considered 'part of the job' in the modern, digital environment.

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suggests that while some were familiar with formal reporting mechanisms, many were not; and many also had little faith in the ability of formal mechanisms to achieve change. There was a strong sense that people from diverse backgrounds did not want to be identified as the 'difficult' person in their organisation and that acceptance, adaptation and sometimes silence were used as ways to navigate the environment, rather than formal complaints mechanisms.

The normalisation of online harassment and abuse was found to lead to significant workplace health and safety issues for some of the people we spoke to. A number were interviewed after they had left the industry—usually for public relations positions—because the ongoing pressure to create high-profile social media personas, and to increase public engagement with their work was exposing them to significant abuse that they felt they could no longer tolerate. Both Facebook and Twitter were identified as the platforms that generated the most problematic abuse – through bots, trolls, racists and a lack of systematic and structured action from these platforms to move beyond addressing individual comments and to develop protocols to exclude perpetrators in a more comprehensive way.

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We will explain these key issues in more detail throughout this report, and in our Conclusions. What is clear is that this is a major issue for Australia's media organisations to address immediately – to protect their journalists and other media workers from what sounds to us like an onslaught of online abuse – and to be aware that their workers from diverse backgrounds are often the target of the harmful and discriminatory abuse. This was compounded when several diversity issues were at play – many of our research participants who were also women were particularly targeted and Aboriginal and Torres Strait Islander peoples who were also LGBTQIA+ were disproportionately targeted. Importantly, many stated that they were not being protected by the existing mechanisms of online social media platforms and so the continued requirement for journalists and media workers in some media organisations to have a high-profile social media presence is exposing them to significant risk.

Note that our Recommendations below do not suggest that all Australian media companies are failing their diverse workers all the time – indeed, some have taken the challenge on and are doing good work to try to address the issues. There's no doubt, however, that the research evidence suggests this is still a significant problem; and that many journalists and media workers are struggling to find ways to combat and address online harassment and abuse, either formally or informally. Additionally, many do not feel their organisations are appropriately equipped – and in some cases, do not have the organisational culture, or the will – to address the issue properly.

Our key recommendations are:

1. Social media platforms should work on systemic approaches to prevent online harassment and abuse, particularly when it targets marginalised and diverse communities.
2. Further research and work is needed to identify more effective legal accountability for social media companies for the information they host on their platforms.

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3. Workplaces need to evaluate and account for the risks to diverse staff using these platforms with greater responsibility placed on processes and training, rather than individuals in line with Workplace Health and Safety regulations.
4. Employers must treat online harassment and abuse of diverse journalists and media workers as an issue of workplace discrimination and harassment.
5. Certain media organisations that engage in 'incentive' programs that reward journalists for the level of public engagement with their stories, without real regard for whether this engagement is in the form of harmful comments and abuse, should review these schemes immediately.
6. The eSafety Commissioner, and the MEAA as the industry peak body, should work with diverse journalists, media workers, chiefs of staff, editors and newsroom managers, etc., to continue to raise awareness about eSafety's resources and services, including its reporting and complaints processes. This should include assurances around anonymity and follow-up after complaints are made.
7. Resources should be directed to assist journalists and media workers to take action under existing and any new legislation that might be introduced. These resources may come in the form of standing legal resources and advice, and funds to take action as this is currently a significant barrier.
8. Training for management and leadership at media organisations and companies in understanding and navigating online harassment and abuse as experienced by journalists and media workers, including training in systemic components of abuse like racism, queerphobia and transphobia, and ableism.
9. Measurable commitments from media organisations and companies to address inequality and discrimination in the workplace in a way that is targeted and goes beyond sensitivity training.
10. Measurable commitments from media organisations and companies to ensure the representation of people from diverse backgrounds in management and leadership roles.
11. Support from policymakers and other industry regulators to ensure diverse management and leadership in media organisations.
12. Media organisations should dedicate time and resources to understand the nature and impacts of online harassment and abuse as well as legislation and other regulations and complaints processes, so they can advise and support staff.
13. Dedicated time and resources are needed to ensure all staff are aware of and trained in measures to protect themselves from online harassment and abuse.
14. All media industry employers and higher-level management should work with diverse journalists to design and implement appropriate structures, including positions and processes within their organisations to protect and support journalists and workers.
15. Employers and regulators and policymakers should work with diverse journalists and media workers to improve conditions for workers in the industry overall. This includes recognising the 'double-edged sword' nature of professional social media profiles for media workers.

Introduction



This Australia-first research project, initiated by not-for-profit organisation Media Diversity Australia (MDA), is a key step toward identifying, understanding and addressing online harassment and abuse of diverse journalists and media workers. Currently there is no substantial research available that documents the unique experiences of online harms experienced by diverse journalists and commentators in Australia, even though anecdotes abound.

The issue

Media scholar Silvio Waisbord (2022) identified last year that the 'push for digital publicity has made journalists more exposed to attacks amid rising hate and the [right-wing] populist demonization of the news media' across digital platforms. A recent study by the International Center of Journalists and UNESCO found that nearly three-quarters of female journalists have experienced online harassment and abuse, threats and attacks (Posetti et al., 2020; see also *The Guardian*, 2021) and further, that this trend is amplified when it relates to journalists from diverse backgrounds – ethnically diverse, Aboriginal and Torres Strait Islander, LGBTQIA+ and people with disability. In an analysis of 70 million reader comments, Gardiner (2018) found female and minority journalists were subject to more abuse than their male colleagues in comment sections; and a second study found that these sorts of online comment sections were characterised by incivility and abuse (Wright, Jackson, & Graham, 2020). In addition, the US-based Media Defence organisation (2022) has also reported on the particularly harsh online harassment faced by LGBTQIA+ journalists, finding it is a 'growing and

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pervasive problem across the media sector...[and] for LGBTQ+ and other minority journalists, online harassment is particularly severe'.

Recent research conducted by Carlson and Day indicates Aboriginal and Torres Strait Islander women are one of the most targeted groups across social media platforms (2021); and the treatment of Sudanese media commentator Yassmin Abdel-Magied, who continues to live in the UK following harassment from a 2017 tweet she wrote about Australia's refugee policy, is just one example of a pattern of online behaviour that suggests a burgeoning problem (see Stuart, 2022 for an update on this particular case). A 2020 report notes that online anti-LGBTQIA+ violence was not limited to 'low-level' incidents, with threats of physical violence, sexual assault, and death also a common occurrence for many LGBTQIA+ victims (Hubbard, 2020). And the eSafety Commissioner's report on the online abuse of people with an intellectual disability was the latest in a long line of national and international reports about the online trolling and targeting of people with disability (see eSafety Commissioner, 2022; Cybersmile Foundation, 2002; Leonard Cheshire 2019).

This research project

Media Diversity Australia (MDA) initiated this work, and received financial support from the ABC, Meta, Google News Initiative, Twitter, and the eSafety Commissioner. MDA then partnered with and commissioned Macquarie University and Griffith University to undertake research commencing in 2022 into the online experiences of diverse journalists and commentators from Aboriginal and Torres Strait Islander, CALD, and LGBTQIA+ communities and journalists with a disability. While the ABC, Meta, Google News Initiative, Twitter, and the eSafety Commissioner are financial contributors to the research, they were not involved in the design and execution of the research. The research involves both quantitative and qualitative research methods, detailed in sections below.

Key concerns of the research are: What are the experiences of diverse journalists in the online media space, in terms of responses to their work, and interactions with the public? What do diverse journalists do, if anything, to confront experiences of online violence? Do their experiences impact on the journalistic or other media work they can undertake, or are prepared to undertake? Are they aware of the platform mechanisms that can help safeguard them? And how effective are these safety mechanisms, from the perspective of diverse media workers? Are they aware of legislative or other government avenues they can pursue? Do they report online abuse to their employer or local authorities; and if so, what sort of response do they receive?

In posing these questions, this research provides a better understanding of the nature and scope of online harassment and abuse targeted at diverse journalists and media professionals. In turn, it is designed to help equip media organisations, online platforms, and statutory and regulatory bodies with the knowledge and context required to ensure the safety of diverse employees. This is not to say that some action has not already been taken in parts of both the regulatory and media environments – rather, it identifies that significant issues still exist for many media workers and that further work is needed.

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Anecdotally, the online harassment and abuse experienced by diverse journalists and media workers has had a significant and negative impact on many, and this report will contribute to providing data and perspectives to help address this issue.

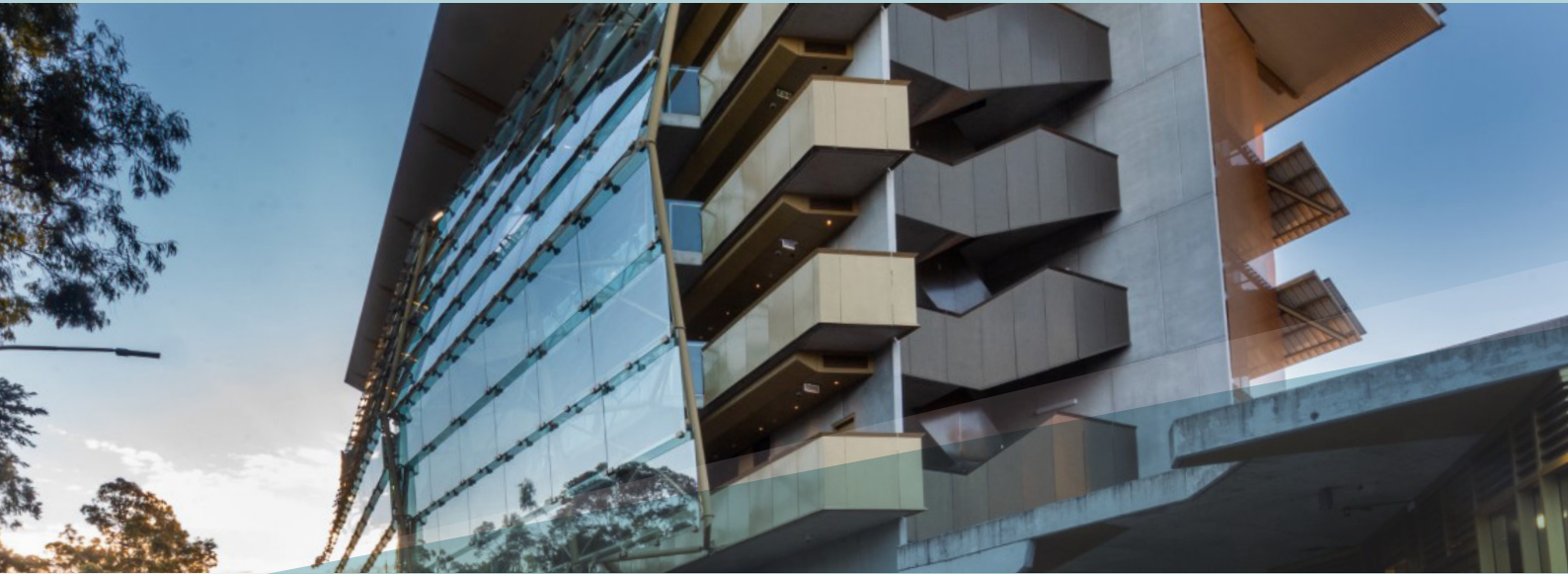
The research offers a rationale for why the online abuse of diverse journalists matters and provides recommendations for organisations about how to address the following:

1. Online safety experiences of minority journalist groups online.
2. The personal and professional impact of trolling and abuse.
3. The role social media platforms and employers play and where they fall short.
4. Legal and reporting avenues for protection.

We learned from Media Diversity Australia's previous work, *Who Gets to Tell Australian Stories? 2.0*, that the Australian media lacks diversity and that our media organisations need more, diverse journalists and producers fronting and contributing to their programs. Here, we speak to that relatively small cohort of diverse media workers and find them navigating the difficult terrain of online harassment, as they try to represent their communities and issues of interest and concern.



Research team



Media Diversity Australia (MDA) collaborated with several national media organisations to commission this report – the Australian Broadcasting Corporation (ABC), Google News Initiative, Meta (Facebook), and Twitter. This research was also supported by the eSafety Commissioner, Australia’s independent regulator for online safety.

MDA then joined with academics from Griffith University in Queensland, and Macquarie University in New South Wales. The university-based teams were composed of researchers from diverse backgrounds relevant to this project – Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse (CALD) and/or LGBTQIA+ communities, and people living with, or caring for family members with, disability.

The Chief Investigators are, from the Department of Indigenous Studies at Macquarie University: Professor Bronwyn Carlson, Head of the Department of Indigenous Studies; Madi Day, lecturer in the Department of Indigenous Studies; and Professor Sandy O’Sullivan, who currently holds an ARC Future Fellowship at Macquarie University. From the Griffith team, Dr Faith Valencia-Forrester, former media producer working across radio, television and online news with caring responsibilities for children with disability; Professor Susan Forde, Director of the Centre for Social and Cultural Research and Professor of Journalism; and Professor Mark Pearson former journalist and media law specialist, and Professor of Journalism and Social Media at Griffith. The team has been ably assisted by Research Fellow in the Griffith Centre for Social and Cultural Research and report co-author, Dr Susan de Groot Heupner, and fellow co-author and Research Assistant, Dylan Barnes from the Department of Indigenous Studies, Macquarie University.

Previous research



The aim of this section is to review the state of knowledge on the forms, forces, and effects of online harassment and abuse against diverse and marginalised journalists and media workers.

In the research field, online harassment and abuse fits broadly in to work around technology-facilitated violence and abuse (TFVA), and this broad term includes cyberbullying, online harassment, online hate speech, trolling, cyberstalking, image-based abuse, cyber sexism, cyber dating abuse, technology-facilitated sexual abuse (Backe et al., 2018; Carlson & Frazer, 2018a; Powell et al., 2020). These terms are often highly contested and there is much disagreement around how well any term captures the phenomenon of interest (Canty, 2016). In this review, we use the term 'online harassment and abuse' as

a subset of TFVA to capture the different forms of online violence against journalists and media workers, though acknowledging there is a wider scholarship on technology-facilitated violence and abuse. This aim presents a distinct challenge as there is limited literature on this topic. Instead, there is extensive literature that focuses on diverse and marginalised groups and therefore provides broad-scale context for the key issues. Alongside this is a much smaller pocket of focused research that comes closer to addressing the experiences and challenges in an online context, directly. For this reason, this review presents a 'narrative' assessment of the available literature and research that seeks to develop a broad understanding of the abuse and violence as it affects people who are

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journalists and media workers, and one or more of the following: Aboriginal and Torres Strait Islander, identify as women, LGBTQIA+, are Culturally and Linguistically Diverse (CALD), and/or people with disability.

In the research field, online harassment and abuse fits broadly in to work around technology-facilitated violence and abuse (TFVA).

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This review outlines four areas of research that provide the best possible ground for knowledge of the topic, and as a base for future research.

1. Gendered and sexualised online harassment and abuse, particularly against LGBTQIA+ media professionals.
2. Online harassment and abuse against Aboriginal and Torres Strait Islander peoples.
3. Online harassment and abuse against culturally and linguistically diverse (CALD) people and media workers.
4. Online harassment and abuse against individuals and media workers with disability.

ON INTERSECTIONAL RESEARCH

Intersectional analysis stems from the work of critical race scholar and Black feminist Kimberlé Crenshaw which articulated race and gender not as 'mutually exclusive categories of experience' (1989, 139-140) but as overlapping sites of social and cultural power. Crenshaw's theory of intersectionality is a useful tool for the study of compounding discrimination and disadvantage caused by racial, gendered and class oppression. More recently, it has been taken up by fields like critical disability studies and queer studies to describe other forms of oppression. However, using intersectional analysis without adequate account for whiteness and colonialism as operative structures of oppression risks reinforcing myths that complex identities are the cause of their own 'othering' (Puar 2012). Hence, intersectional research requires structural analysis that accounts for systems that oppress and cause compounding experiences of discrimination and disadvantage.

Early internet advocates optimistically envisioned a future free from racism, racial conflict, and even racial categories. Rather than 'de-racing' society, however, Kolko et al. (2000) argued in as early as 2000 that the internet continued the 'cultural map of assumed whiteness'. Likewise, work by Nakamura (2002) explored how gender, race, and class hierarchies were being reproduced online. The ways in which digital technology has furthered white domination has been explored across a wide range of literatures, including that focusing on hate speech and policy (Matamoros-Fernández & Farkas, 2021), structuralist research on how race is built into technological infrastructures, Black cyberfeminist/cyberfuturist literatures (Brock, 2018), and work drawing on settler-colonial and Aboriginal and Torres Strait Islander theories (Carlson & Frazer, 2021a). Broadly, this work has followed the multifarious ways in which whiteness is reproduced as the dominant social structure across different systems and levels of scale—from the interpersonal to the discursive to the global infrastructures that now comprise internet technologies. And it has shown how the risks of being online—in terms of experiences of violence, harassment, abuse, and hate—is very clearly differentiated across racial lines.

Studies on the online violence, harassment, abuse and hate against journalists and media workers is almost exclusive in focusing on the experiences of female journalists (see for example, Chen et al., 2020, Gardiner, 2018, Olson & La Poe, 2017, Posetti

Intersectional research requires structural analysis that accounts for systems that oppress and cause compounding experiences of discrimination and disadvantage.

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et al., 2020). There is a need for more complex inquiry in this space that accounts not only for diverse identities but for the systems of power and oppression that contribute to TFVA. Therefore, in examining the experiences of TFVA for Aboriginal and Torres Strait Islander peoples, CALD peoples, LGBTQIA+ peoples and/or people living with a disability who are also journalists and media professionals, we offer overlapping analyses of types of abuse rather than focus specifically on identities as exclusive categories of experience.

GENDERED AND SEXUALISED ONLINE ABUSE

Gender is notably the social variable that has received the most amount of attention in online harassment and abuse research. As Sobieraj (2018, p. 1706) has argued, gender is important, not only because it 'shapes the propensity of a person to be an attacker or be a target, but [because] gender is also at the centre of the attacks themselves'. That is, while gender appears to directly affect the likelihood that a person will perpetrate or experience online violence, gender is often also the *focus* or *content* of the violence. Considering the scope and nature of offline gender-based violence more broadly, this is perhaps unsurprising. Sobieraj (2018) argues that women's use of public space is invariably shaped by the (potential) presence of gender-based harassment, abuse and violence; digital space appears to be no different.

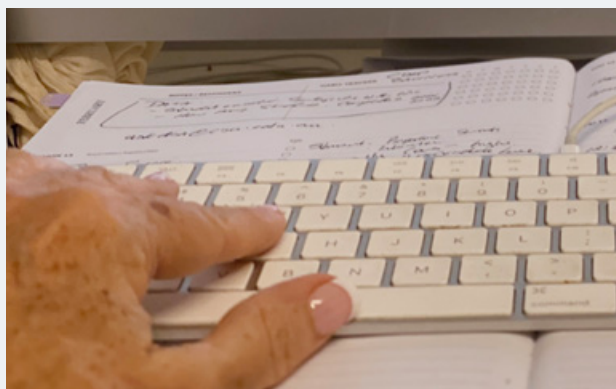
Through online surveys with 1779 people, Gámez-Guadix and Incera (2021, p. 8) found that "41% of sexual minorities (compared to 3% of heterosexuals) had experienced online discrimination based on their sexual orientation", and that "sexual minorities have double the prevalence of unwanted sexual attention and almost threefold the prevalence of sextortion than heterosexuals" (Gámez-Guadix & Incera, 2021, p. 8). And in a major study conducted by Galop (Hubbard, 2020), an LGBTQIA+ anti-violence charity based in the UK, it was found that 4 in 5 people "had experienced anti-LGBTQIA+ hate crime and hate speech online in the last 5 years"; 1 in 2 "had experienced online abuse 10 or more times", and 1 in 5 had experienced it more than 100 times (Hubbard 2020). While this is a relatively small body of work, it appears that people who identify as LGBTQIA+ are significantly more likely to experience online violence, directed both specifically at their identity and more broadly.

The research literature has focused predominantly on the gendered and sexualised dimensions of online harassment and abuse. Broadly, it has found that women face more overall violence, different kinds of violence, and with different personal, political, and economic consequences (Posetti et al. 2021). The major UNESCO report, for instance, which documented trends in violence against women journalists across 125 countries, found that almost three quarters had been subjected to online violence (Posetti et al. 2021). In the *Guardian's* analysis of 16 years of online reader comments, it was found that eight out of ten of the most targeted writers were women, despite forming the minority of writers (see Jane 2018). Noting that this research does not specify whether participants were cisgender and/or transgender women. Ultimately, Chen et al. (2020) found that gendered violence prevents women from engaging fully in the journalistic routine. Through violent coercion, women journalists are discouraged, threatened, and ultimately silenced from fulfilling professional duties, which compromises their ability to engage freely in public discourse (Kavanagh & Brown 2020).

[The research] has found that women face more overall violence, different kinds of violence, and with different personal, political, and economic consequences.

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While there has been a lack of larger, rigorous studies that compare experiences of transgender people to cisgender people, existing research suggests that transgender people are subjected to the most amount and greater variety forms of online harassment and abuse. Henry and Powell's (2018) review of empirical studies on online sexual violence shows that transgender people are more likely to experience all kinds of abuse, not just abuse directed at their gender. Powell et al. (2020, p. 212) found that "Transgender participants were most likely to experience 25 of the 26 behaviours" that they measured, "compared with [cisgender] female and [cisgender] male participants, who were not most likely to experience any behaviours" (2020, p. 212). Significantly, a recent major report by UNESCO (Posetti et al., 2021), which surveyed 900 journalists across the world, found that while participants overwhelmingly identified men as perpetrators of online violence, there was an "emerging pattern of harassment and abuse coming from [cisgender] women in some contexts—especially with regard to reporting on transgender issues" (Posetti et al. 2021, p. 26).



ONLINE VIOLENCE AND ABUSE AGAINST INDIGENOUS PEOPLES

Overall, research into online harassment and abuse, including online violence against journalists, tends to exclude the experiences of Aboriginal and Torres Strait Islander peoples, and in doing so assumes a homogeneous white, settler subject. Over the last decade, however, an emerging body of research has looked at the cultural, political, and social forces that shape Aboriginal and Torres Strait Islander people's online encounters. Digital technologies, and internet technologies specifically, have had equivocal implications for Indigenous people (Carlson & Frazer, 2018; Carlson & Frazer, 2021; Kennedy & Frazer, 2021). On one hand, they can be tools of collective empowerment, facilitating connections between diverse Aboriginal and Torres Strait Islander communities, carrying cultural knowledge across space and forward through time, and enabling the express of diverse Aboriginal and Torres Strait Islander subjectivities (Carlson, 2013; Carlson & Frazer, 2021a, 2021b). On the other hand, however, they likewise provide settlers those very same affordances, producing new pathways for settler

dominance and violence (Carlson & Day, 2021). It is clear that digital technologies have changed the prevalence, nature, and extent of violence.

Australia is a settler colony, in which settlers enjoy access to power, resources, and territory at the expense of most Aboriginal and Torres Strait Islander people.

It is also important to contextualise Aboriginal and Torres Strait Islander people's experiences within the social

and political milieu in which they are located (Carlson & Frazer, 2018a; 2018b; Carlson & Frazer, 2021). Australia is a settler colony, in which settlers enjoy access to power, resources, and territory at the expense of most Aboriginal and Torres Strait Islander people. This means that, while encountering hatred and violence online is obviously not pleasant for anybody, these encounters have differential implications across social populations. Because Aboriginal and Torres Strait Islander people are already mar-

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ginalised by settler society socially, economically, and in terms of disparities in health and education, the impacts of online violence are generally greater. There has been very little research on the relationship between online violence and its effects, which accounts for this profound difference in social milieu. What little work has been done, however, has tended to conclude that online violence is an extension of colonial violence and is a serious threat to Aboriginal and Torres Strait Islander people (Carlson & Frazer, 2018a; Carlson & Day, 2021).

Research on Aboriginal and Torres Strait Islander women's online safety commissioned by the eSafety Commissioner (2019) found that... some of the impacts of this abuse are amplified due to compounding social and economic factors.

compounding social and economic factors. Based on in-depth interviews and a discussion group with 27 service providers, this research also identified a whole host of Indigenous-specific systemic barriers to seeking support for TFVA including justice system barriers, issues with police, challenges in providing sufficient evidence, fear of racial prejudice and fear of police brutality, barriers related to child protection and courts, and legislation issues (eSafety Commissioner 2019, p.6). As Carlson & Day (2023) have shown, TFVA involves compounding settler violence for Aboriginal and Torres Strait Islander people which is not only racialised but also gendered and sexualised. This is the case for all Aboriginal and Torres Strait Islander people but most harshly impacts Aboriginal and Torres Strait Islander LGBTQIA+ people as they navigate colonial violence, homophobia and/or transphobic violence and gendered violence both off and online (Farrell 2021a). In this sense, they experience compounding disadvantages (Kerry 2017; Carlson, 2019; Carlson & Day, 2021), though this framing itself risks overlooking Aboriginal and Torres Strait Islander LGBTQIA+ peoples' creative uses of social media and the internet for activism, connection and community-building (Farrell 2021b). Thus, as Uink et al. (2020) argue, more research that is intersectional in its design and approach is necessary to unpack the complex relationships between racial, gendered, sexual, and colonial violence and disadvantage. This report as well as a gap in existing research also shows that there is a clear need for more research that specifically accounts for targeted online violence against Aboriginal and Torres Strait Islander journalists and media workers.

Research on Aboriginal and Torres Strait Islander women's online safety commissioned by the eSafety Commissioner (2019) found that while, on the whole, this population didn't necessarily experience different impacts of TFVA from those felt by other women, some of the impacts of this abuse are amplified due to com-



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ONLINE ABUSE OF CALD COMMUNITIES

Based on the premise that journalists are common subjects of harassment and abuse because of their relative visibility, certain CALD groups and people with disability are more likely subjected to harassment and abuse because of their *visible* diversity (such as race) (Bauder 2021, Gardiner 2018). Racial and linguistic discrimination in Australia, and targeting of CALD people (and Aboriginal and Torres Strait Islander people as per above) both off and online are connected through desires to maintain white dominance and a Eurocentric settler culture (Ali 2021). According to research conducted by the eSafety Commissioner (2020a), CALD groups experience online hate speech at higher levels than the national average, with race, religion, and cultural background listed as common factors of harassment and abuse. A 2016 eSafety Commissioner study among young people reveals that more than half of the respondents had seen racist comments, and comments that were religiously and culturally hateful (eSafety 2016, cited in Vidgen et al., 2019).

CALD groups experience online hate speech at higher levels than the national average, with race, religion, and cultural background listed as common factors of harassment and abuse.

Online experiences of racial abuse and harassment are captured under the umbrella term of cyber-racism, which includes online racism, online racial discrimination, online racial microaggressions and cyber-hate (Bliuc et al., 2018). These categories are often studied in relation to far right, white supremacist, and right-wing propaganda and discourse. However, as Carlson & Fraser (2021a) have shown, racism and racial attacks against racial minorities are an everyday occurrence on the internet. At the same time, online racial attacks that are directed at a specific CALD group are often orchestrated or incited by racially motivated and far right platforms, organisations, and groups (Bliuc et al., 2018). According to a systematic review of studies on cyber-racism, group-based cyber-racism is aimed at strengthening far right groups, disseminating racist propaganda and maintaining and extending the existing identities of members, which are largely consistent with a white supremacist, transnational and unified identity (Bliuc et al. 2018; Richards, 2020).

The orchestration of racial attacks directed at CALD individuals and groups is a method for hate groups to sediment social and political discontents imprinted upon relevant cultural, religious, ethnic, racial, and linguistic groups.

The orchestration of racial attacks directed at CALD individuals and groups is a method for hate groups to sediment social and political discontents imprinted upon relevant cultural, religious, ethnic, racial, and linguistic groups. Orchestrating and coordinating hatred towards CALD people distinguishes online from offline hate speech (Brown, 2018). Whereas there is a perception that the offline space is more regulated around instances of hate speech, the online mediascape has no such hurdles, facilitating group defamation, vilification, and dehumanisation (Brown, 2018). Despite existing legislation against online hate speech, the extent of its prevalence requires effective regulation (instead of legislation) to prevent the damage done to vulnerable groups, especially those who stand at the intersection of multiple marginalisations (Bordalejo, 2019).

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Based on the premise that journalists are common subjects of abuse because of their relative visibility, certain CALD groups are subjected to harassment on the grounds of their visible diversity (Bauder, 2021; Gardiner, 2018). Rather than being solely an expression of religious scepticism or critique, Islamophobic abuse, for example, is intertwined with notions of race and racism (Abbas 2021; Mondon & Winter 2020). Current research suggests that any difference varying from the strict confines of white, cisgender, heterosexual, male and able-bodied prompts online perpetrators of abuse as has been evident in discrimination against women in media for some time (Lewis et al., 2020). Abuse on the grounds of physical appearance is embedded in gendered and racialised expectations that are reinforced through hateful comments, trolling, sexual harassment, physical threats, and so on (Lewis et al., 2020). Standardised expectations around personal attributes are also relevant to journalists who are abused based on their physical, cognitive, intellectual and/or mental disability (Ameri et al., 2018, Anand & Sevak, 2017, Hipes et al., 2016).

ONLINE ABUSE AGAINST INDIVIDUALS WITH DISABILITY

It is important to identify the different definitions of disability when examining the online (and offline) harassment and abuse of individuals, including journalists and media workers with disability. Disability can be grouped into the three categorical definitions of functional limitations (which is the most common definition), legal or administrative (the granting of material benefits), and subjective (self-identification of being disabled) (Grönvik, 2009). These different classifications matter when considering instances of online harassment and abuse, as they may vary the nature and content of violence, as well as the impact of the harassment and abuse on the victim. Moreover, there is often a blurring between impairment (such as partial vision) and disability (such as blindness), which is important for distinguishing between the disabled individual and the disabling environment (Marks, 1997). For example, online harassment and abuse based on a physical impairment can be less reflective of the disabled individual than of the disabling environment, whereby the individual is seen as incapable of making a positive or substantive contribution to the particular community or profession. Additionally, definitions of disability matter to acknowledge those disabilities that are hidden, such as depression or attention deficit hyperactivity disorder (ADHD) (Eckes & Ochoa, 2005), but which may impact the individual's ability to process and manage their responses if the victim of TFVA.

Individuals with disabilities may already be facing employment barriers which are material, practical and logistical

employment barriers which are material, practical and logistical (such as workplace accommodations) and/or emotional and psychological (such as discrimination) (Ameri et al., 2018; Anand & Sevak, 2017). TFVA exacerbates the experience of such barriers within employment settings. Existing research on the employability of people with disability begs the question of whether the type of disability matters to the nature, prevalence and significance of online harassment (see for example, Hedley et al., 2017,



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Spirito & Bellini, 2008). For example, individuals with autism spectrum disorder face significant challenges to entering the workforce and the employability of those with disclosed psychiatric disabilities are thought to be lower than those with visible or disclosed physical disabilities. People with mental illness are often subject to significant discrimination entering the workforce (Hipes et al. 2016). The prevalence of online harassment and abuse of media professionals based on their personal identifications within these categories, often in the name of awareness, could create an inverse environment; making consumers of their content with disability of their own, less inclined to disclose hidden disabilities.

EMOTIONAL, PSYCHOLOGICAL, AND ECONOMIC IMPACTS OF ONLINE VIOLENCE

Unsurprisingly, these experiences of persistent, personal abuse, often based on one's already marginalised subject position, can have profound impacts on the lives of victims. Gamez-Guadix and Incera (2021, p. 7), for instance, note 'the psychological adjustment of sexual minorities, including symptoms of depression and anxiety'. The Galop (Hubbard, 2020) study on anti-LGBTIQA+ hate online found victims often experienced 'fear, anxiety, self-blame, and suicidal thoughts'; they would fear for their safety and seek out ways to avoid future attacks.

Drawing on interviews with 52 Australian women who had experienced cyberhate, Jane (2018) argues that we must understand this abuse as a form of workplace harassment, which she describes as 'economic vandalism'. She explains that her use of the term 'vandalism' is to recognise that the direct intention of the perpetrators of online violence against women is often to "besmirch women's professional reputations, derail their careers, and/or have them fired from their jobs" (Jane, 2018, p3). Significantly, Jane argues there is a perverse relationship between a woman's dependence on internet technologies for income: "those women who most depend on unrestricted access to the internet and social media platforms to earn their living might be particularly prone



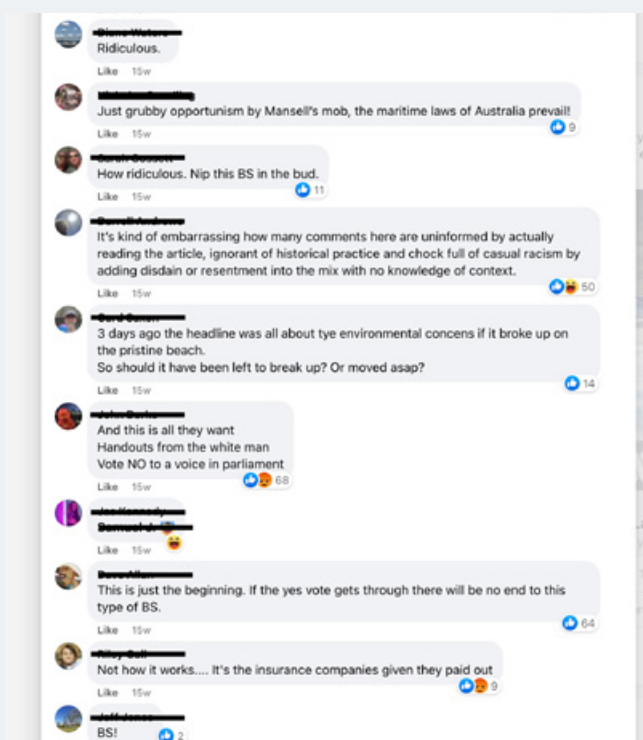
to receiving cyberhate," she concludes (Jane, 2018, p13). While they didn't specifically explore adverse economic impacts of online violence, Chen et al.'s (2020) study of women journalists found their ability to complete their work duties was threatened by the violence they were subjected to online; and Stahel and Schoen's (2020) study found women journalists were more likely to use 'avoidance' strategies than men in the face of online attacks, which would directly affect their ability to engage in work duties. This is an area of research that needs significant attention, particularly in addressing economic impacts of people who are not white, heterosexual, or fit within the gender binary, and who are already structurally and economically marginalised.

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SOCIAL MEDIA: TECHNOLOGIES OF AUDIENCE ENGAGEMENT

The new forms and intensity of online harassment and abuse that journalists now face can be understood through three distinct issues. First, new social technologies have multiplied opportunities for readers, viewers, and others to engage more or less directly with journalism and journalists. Readers can, for instance, comment directly on news articles or engage in debate with other readers; they can directly message or tweet journalists, news anchors, editors, and producers; they can share news media with friends and other social groups; and they can find information about journalists online, often including personal photos, social media activity, and their place or employment or residence. Comments sections, in particular, have created a 'shared space' for audiences and journalists to engage with the content of media and one another, in some ways like the 'letters' sections of traditional print media, though much more dynamic, complex, and synchronous (Chen et al., 2020).

This new maze of social technology means the relationship between journalist and reader has shifted significantly. The flow of information is no longer just from journalist to reader but is much more dynamic and dialectical; power dynamics have changed, too, with readers now finding opportunity to engage with journalists as critic, peer, or as discussed further below, abuser. While this shift in control over information and relationships is, for some commentators, a shift towards the 'democratisation' of information, there are also concerns that it is leading to the denigration of rigorous journalistic practice. Yelin and Clancy (2021), in their work on how their own research had become entangled in the news media/social media ecology, argued that the dynamics of online media have created conditions for what they term 'distortions



...while their research work became subject of significant (and heated) public debate, the debate focused much more on reifying already-existing ideological positions rather than discussing the actual content of their work.

of research remediation'. That is, while their research work became subject of significant (and heated) public debate, the debate focused much more on reifying already-existing ideological positions rather than discussing the actual content of their work. This appears to now be the dominant dynamic in how news is reported and responded to online.

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INCREASING EXPECTATION OF ONLINE ENGAGEMENT

Journalists are more prone to online violence due to the visibility of their profession and the requirements of modern journalism that demands journalists “to engage directly with their audience in order to market/promote their journalism” (MEAA 2018). According to the Australia’s Media Entertainment and Arts Alliance (MEAA), modern expectations of journalists “leaves them particularly exposed to appalling and frequent attacks upon their character, judgement, professionalism and threats to their physical safety” (MEAA 2018). With social media platforms fertile ground for online violence, the digital shift of modern media has made journalists more vulnerable to threats, harassment and abuse. Social media has blurred the distinction between professional and private, with an increasing number of journalists (and their families) being targeted as individuals on the basis of personal characteristics and identifications. A recent Ipsos poll of more than a thousand journalists in Canada suggest an ‘epidemic of online bullying’ with 65 percent of media professionals experiencing online harassment over a period of twelve months, with the perceptions occurrences are only increasing (Bundale, 2021). The study reveals that misogyny, racism, homophobia and transphobia permeates the nature of the harassment and abuse, with media professionals who identify as women, Black, Indigenous, People of Colour, and LGBTQIA+ receiving more frequent and more severe attacks (Bundale, 2021). A more recent study conducted by the University of Quebec suggests that issues of online violence have been accelerating rapidly over the past few years, with more than half of Quebec journalists having been victims of online harassment (Villeneuve, Bisailon, & Bellavance, 2022).

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RESPONSIBILITY OF EMPLOYERS

The scale and nature of the violence women journalists are subjected to begs the question of the responsibility employers have in keeping their employees safe. As Jane (2018) points out, much of violence directed at women online “would be in clear breach of various workplace-related regulations and guidelines if they involved offline contexts” (Jane, 2018, p.12). Women are placed in a position where they must somehow balance their professional obligations against their personal safety. Women report receiving very little support from their employers in navigating this online violence, even as they are increasingly expected to engage with it (Chen et al. 2020). Jane (2018) argues that employers who expect employees to engage with audiences online have a fundamental duty of care to keep them safe while online.

Women are placed in a position where they must somehow balance their professional obligations against their personal safety.

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In 2016, the MEAA survey revealed that only 16 percent of respondents were aware of employment strategies and procedures to deal with online abuse of media workers (Martin 2018). Considering the increasing prevalence of new forms of TFVA and the pressure of the media sector to design and implement better legislative frameworks, more effort, both formally and informally, is put into the monitoring, reporting and combating of violent attacks (see for example, Posetti 2018, Posetti et al. 2020, Posetti et al. 2021). Having said that, the same studies indicate current legislative frameworks are inadequate to protect (vulnerable) media professionals from online violence, and to mitigate the effects it has on the individual, the media corporation, and the fundamental principle of a free press (Posetti 2021). With respect to diverse journalists, this underscores the need for specific laws and regulations that protect those most vulnerable to online discrimination, vilification, bullying and harassment. Absent of such legislative protocols, more active internal and industry wide policies and support mechanisms are drastically needed.



CLOSING, RESEARCH THEMES, AND RESEARCH GAPS

This scoping study has critically reviewed the current research and industry knowledge regarding online violence against diverse and marginalised journalists and media professionals. Due to large gaps in academic communications research, broader literature pertaining to technology facilitated violence, harassment and abuse in reference to the specified categories of marginalised and vulnerable peoples has been used to demonstrate common themes and experiences in the digital environment.

It is clear from the research that online interactions are not the same for all social groups. As with the physical world, power structures, risks and opportunities exist dependent on group affiliation and identity, with more privileged groups experiencing greater degrees of safety and freedom online than more marginalised people. Women, CALD people, LGBTQIA+ people, and Aboriginal and Torres Strait Islander people appear to experience significantly more online violence. It follows that online

It is important to focus blame on the sources of oppression, rather than the identity of social groups. For example, a woman isn't abused because she is a woman, but because of sexism and misogyny.

harassment and abuse is worse for people who form part of more than one of these groups. Additionally, while people are often targeted *because* of their membership to these social groups, the attacks also tend to *focus* on their subjectivities. For

example, CALD women are targeted for gendered and racialised online abuse precisely because they are CALD women. It is important to focus blame on the sources of oppression, rather than the identity of social groups. For example, a woman isn't abused because she is a woman, but because of sexism and misogyny. This work demonstrates the clear need for researchers to take a critical, nuanced 'intersectional' approach to the study of online violence, rather than relying on convenience samples and presuming a normalised white, heterosexual, cisgender subject.

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It is also clear that the effects of these attacks are uneven. As the wider social and health literatures show, being marginalised across a range of social and economic indicators often work to 'amplify' the forces of marginalisation. The literature discussed above suggests that transgender and Aboriginal and Torres Strait Islander people, for instance, experience more online violence than other social groups, and that these experiences are more harmful than they are for other groups. Research commissioned by the eSafety Commissioner shows, for instance, that some of the negative effects of TFVA against Aboriginal and Torres Strait Islander women are exacerbated, such as social isolation (eSafety Commissioner 2019). Researchers have begun seeking to measure the economic impacts of online violence, with studies suggesting that online violence directly affects the capacity of those targeted to engage in work.

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The literature on online violence against journalists echoes that of the work above. While journalists are facing increasing pressures to engage with online audiences while simultaneously experiencing elevated levels of often violent anti-intellectual sentiment, the dangers of being a journalist are distributed and experienced unevenly. Again, the literature demonstrates clearly that women journalists experience more online violence than men and, again, attacks against women journalists centre on them being women, rather than journalists. The small amount of work on gender-diverse journalists appears to show they are even more vulnerable to online violence.

The gaps in the literature are as critical as the content itself and demonstrate the need for sustained and coordinated research into experiences and potential protections for diverse and marginalised peoples, both within the media profession, and within society more broadly. In absence of clear legislative frameworks of protection, it is critical for media organisations to work proactively with partners in creating policies and protocols that protect, support, and enhance journalists and media professionals in the digital environment.

We now move on to the study at hand – an examination of the online experiences of diverse Australian journalists and media workers from Aboriginal and Torres Strait Islander, CALD, LGBTQIA+ and disabilities communities. Our next section briefly outlines our research methods used to access our research participants, and then we will discuss our findings in detail.

Research method



This research project aimed to provide a better understanding of the nature and scope of online harassment and abuse targeted at diverse journalists and media professionals. Increasingly, harassment and abuse of prominent, ethnically diverse journalists, producers and content makers is having a significant impact on their careers, and their wellbeing.

This project identified diverse backgrounds based on the Diversity Council of Australia's definition of diversity to include categories of gender, faith, disability, age, Aboriginal and Torres Strait Islander peoples and LGBTQIA+ people. Given established recognition for abuse of women, the research team narrowed the categories to include Aboriginal and Torres Strait Islander, LGBTQIA+, CALD and people with disability, in line with the core concerns of Media Diversity Australia and their partners.

The key research methods used were a widely disseminated online survey; with follow-up qualitative semi-structured interviews. Many of the interviewees had already completed the survey; some interviewees had not done the survey but agreed to an interview with a member of the research team. Participants in the research were recruited following email newsletters from Media Diversity Australia, the ABC, the MEAA, and various forms of social media communication from relevant organisations, and from the university research teams.

The survey was developed using the LimeSurvey instrument, which could be completed easily online with a live link, and data tables and graphs were generated by the software. The survey provided a wide array of questions and was a detailed data-gathering exercise. Forty-six (46) respondents completed the survey, and we have analysed only those surveys that were fully completed for analysis.

RESEARCH METHOD

The majority of survey participants volunteered to be interviewed, and a small selection of interviewees were purposely invited to be interviewed based on their background. Some interviewees recommended we include their peers and colleagues, and so a referral method was used to identify further interviewees.

Some of our interviewees and survey respondents had multiple diverse 'identities' – that is, they were Aboriginal and/or Torres Strait Islander and/or LGBTIQ+ and/or living with disability; or they were living with a disability and also from a CALD community and/ LGBTIQ+ but overall, our various categories of diversity were fairly evenly represented. The survey and interview questions asked participants to reflect on their own experiences of online abuse, harassment, threats and attacks, and to detail instances where they had observed their peers receiving online harassment and abuse. We also asked about actions they, and others such as peers and employers, undertook to confront online violence.

Interviews were conducted online through either Zoom or Microsoft Teams, were recorded and transcribed with key themes identified from the transcripts. Interviews generally ran from 30 minutes to 1.5 hours. Interview responses were anonymous unless interviewees requested to be identified; and so, throughout the presentation of the findings we will generally refer to people as 'a journalist with a disability from a local commercial newspaper', or 'an LGBTIQ+ producer from one of the national broadcasters'.

The research team interviewed **40 journalists and media workers** through the qualitative interviews completed after the survey – this included **10 from each diversity 'category'** of culturally and linguistically diverse communities (CALD), Aboriginal and Torres Strait Islander, LGBTIQ+, and people living with disability.



Research findings

SURVEY FINDINGS

In presenting the results of this research, we'll first turn to the survey data and follow-up with responses from our extended interviews with 40 journalists and media workers. Our survey findings come from 46 respondents, all of whom completed the full survey. In terms of the breakdown of respondents, a number of people who completed the survey identified with multiple diverse groups – for example, they identified as both Aboriginal and LGBTQIA+; or they identified as coming from a Culturally and Linguistically Diverse (CALD) community, and also lived with a disability – hence our figures below add up to more than 46, and more than 100 percent. Some individuals identified with more than two of the identities indicated below.

TABLE 1: BREAKDOWN OF SURVEY RESPONDENTS' DIVERSE IDENTITIES

**Q: Please select the terms that best describe you
[you may choose more than one]**

RESPONSE	COUNT (number, out of 46)	PERCENTAGE %
Aboriginal	11	23.91
Culturally and/or linguistically diverse (i.e. CALD community)	28	60.87
Person with a disability	9	19.57
LGBTQIA+	19	41.30

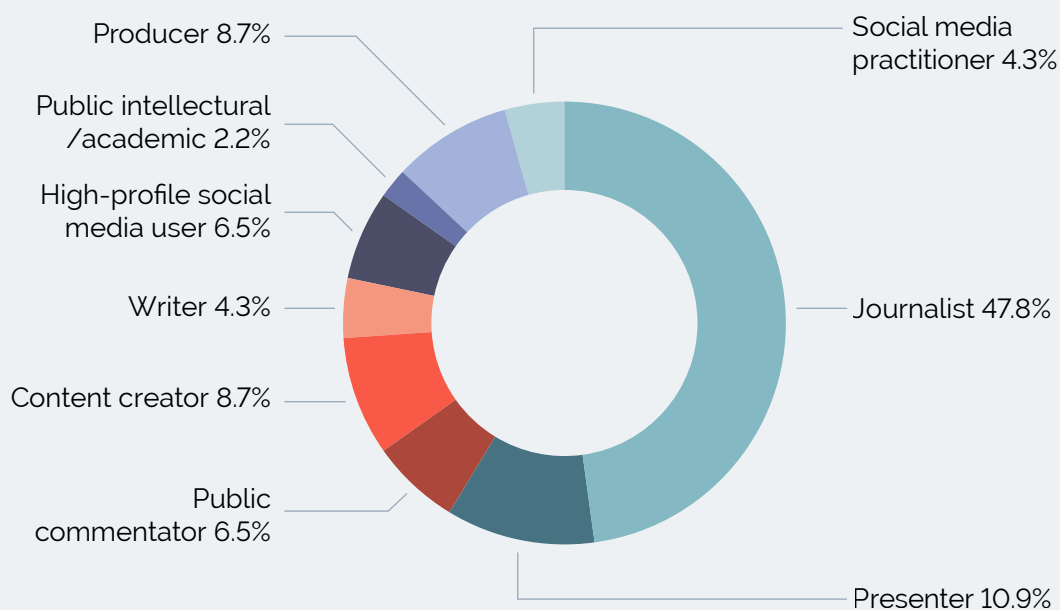
Of the survey respondents, there were no Torres Strait Islander people so all 11 of the first category were Aboriginal respondents. This is a limitation of the survey data, and we acknowledge it here. While we aimed for a generally representative sample, reflecting all of our different categories fairly evenly, this was not possible although we note that all categories, except people living with a disability, represented about one-quarter or more of the total sample which suggests reasonable coverage of the areas of diversity that this project will explore overall.

Our sample also had good representation of gender diversity, although women did dominate the survey responses which is likely reflective of the fact that media workers who are women are far more likely to be the target of online abuse and harassment – and journalists who are women from a diverse background are even more likely to receive online harassment and abuse. In terms of this survey, we left our gender categories open-ended for respondents to indicate their gender to avoid restrictive categorisation. Overall, almost 24 percent of our respondents identified as either 'man', 'male', 'cis male' or 'trans man'. About 59 percent of the sample were women – similarly, identifying as either 'woman', 'female', 'cis female' or 'trans woman'. Almost 9 percent of the sample (4 respondents) indicated they were either non-binary, gender fluid or agender; and the same number, just under 9 percent (4 respondents), did not specify their gender.

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Almost half of the survey respondents were journalists (48 percent), and the remaining 52 percent of responses were divided between various categories of 'Presenter' (11 percent); 'Content creator' or Producer (both 8.7 percent); or 'Public commentator', etc. The different categories respondents used to describe their primary role are indicated below:

FIGURE 1. Q: HOW WOULD YOU DESCRIBE YOUR JOB OR ROLE? (N=46)



Our survey sample, therefore, covers a good cross-section of different professions within the media industry, although there is (as expected) a significant emphasis on journalists who are often providing daily content, with their name attached in a public forum. Only a very small percent (just over 2 percent) identified as 'public intellectual/academic' so we are confident the responses that follow come from a good cross-section of our diversity categories, and all are working prominently within media industries. Almost two-thirds of respondents were employed full-time (63 percent), with the next highest category, freelancers, representing almost 11 percent of the sample. As our later findings will show, this proportion of freelancers becomes significant as we interrogate the protections and supports afforded to diverse media workers. For now, however, we can report that within the survey, the vast majority of our respondents were permanent full-time workers, with other categories spread out among permanent part-time, fixed term contract, self-employed, unpaid volunteer, and casual categories, ranging from 4-7 percent of the sample each.

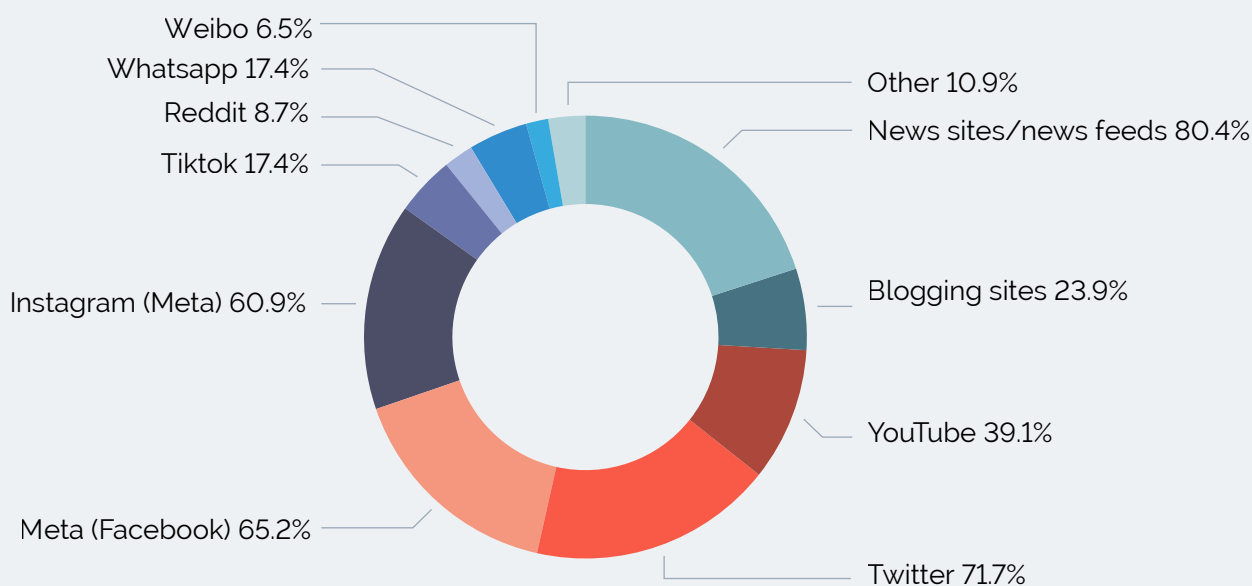
Media workers from diverse backgrounds are using a variety of online platforms for their work, with more than 80 percent using their organisation's news site or news feeds to present their work, usually alongside a range of other platforms. The most common online platforms used by journalists and other media workers as part of their work were news sites (80 percent); Twitter (72 percent); Meta/Facebook (65 percent);

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and Instagram (60 percent). The full range of online platforms used are presented in Figure 2 below – as with some other findings, respondents had the option to choose more than one so our total responses indicate more than 46 respondents. The figures suggest that most of our media workers are using at least four different online platforms in their daily work; for many, their work is *disseminated* via these platforms and for others, they are simply using a range of social media sites to promote their work, and to potentially identify sources and experts. The core message here is that diverse media workers have, and are required to use, a range of online and social media platforms as part of their daily work.

ABC has advised the authors of this report that it has made it clear to employees in writing and verbally that it "does not require or expect any employee to maintain any personal social media account for work purposes".

FIGURE 2: Q: PLEASE SELECT THE ONLINE PLATFORMS YOU USE FOR YOUR WORK*:

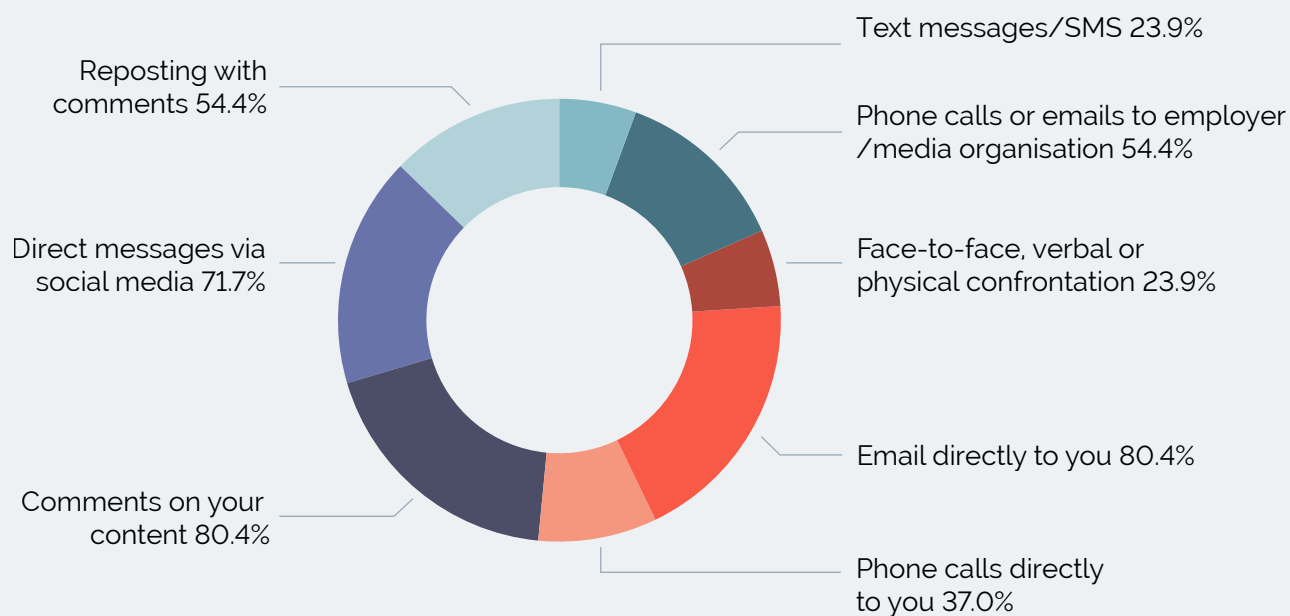


* Note percentages add up to more than 100% as respondents could choose two or more platforms.

In terms of contact with their audiences, our respondents indicated there were multiple ways that readers, listeners and members of the public made contact with them. The most common methods were by emails directly to the journalist/media worker (more than 80 percent were contacted this way); or through comments on online content (also just over 80 percent). Other very common methods of communication from audiences included direct messages on social media (72 percent); and reposting stories (54 percent – and usually on Twitter, Facebook or Instagram) with comments attached to the repost. There were 196 responses to this question from our 46 respondents, indicating most media workers are finding members of the public contact them through 4-5 different methods/platforms.

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FIGURE 3: Q. HOW DOES THE PUBLIC CONTACT YOU WHEN THEY WANT TO RESPOND TO YOUR WORK?



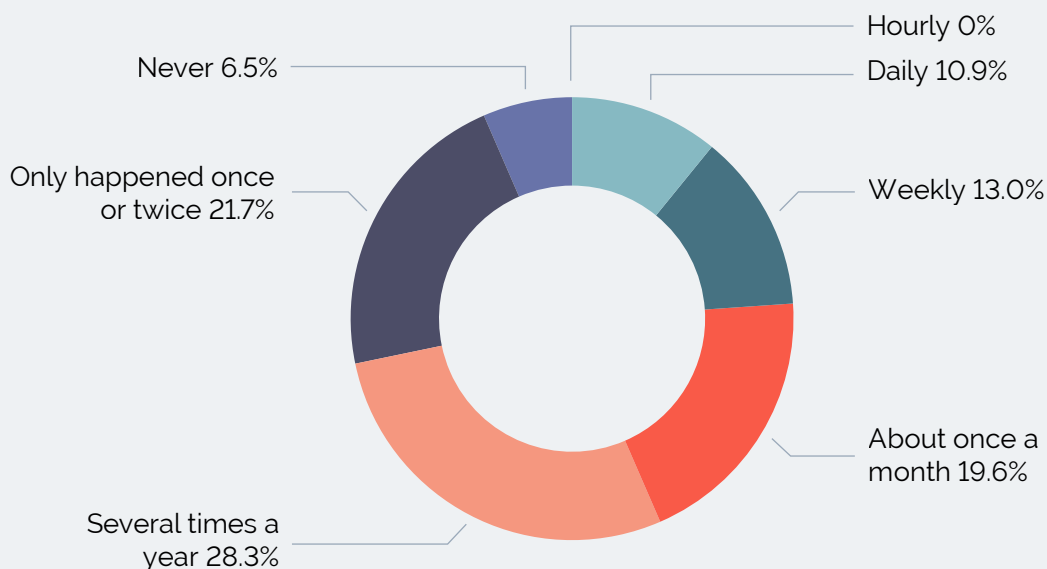
Of course, the most disturbing figure here is that 11 out of our 46 respondents – or almost 24 percent of the sample – reported face-to-face verbal or physical confrontation from a member of the public based on their published media content. We discuss more on this in our qualitative findings based on our interview data. There is clear evidence that journalists and media workers are now more 'available' to the public than they've ever been – and this is a double-edged sword. It may communicate the notion that journalists and content producers are no longer part of an inaccessible media and political 'elite', that they are more transparent and more accessible, and this is a positive thing for democracy. However, the clear downside to this is the online harassment and abuse that many journalists are now subject to, that one of our interviewees described as 'simply part of the job, as bad as it is'; and as we'll discuss later, it is clearly driving many out of the industry.

A simple question asked in the first half of the survey – *Have you ever experienced violence or abuse online (either personal or professional)?* found that 85 percent of our sample of Aboriginal, CALD, LGBTQIA+ and media workers with a disability had experienced either personal or professional abuse online. Only 15.2 percent hadn't experienced any at all. In addition to this, while 50 percent of our respondents said the harassment and abuse stayed online only, exactly half said the harassment and abuse either Sometimes (11 percent), or Occasionally (39 percent), moved offline.

Specifically in relation to work-related online harassment and abuse, for about 42 percent of our sample, the abusive messages, comments and other forms of communication were occurring on at least a monthly basis – while only about 11 percent experienced this daily (and that is still significant); almost 30 percent said it occurred several times a year. Only three respondents from, or about 6.5 percent of the sample, said they had never experienced any form of abusive messages or comments about their work.

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FIGURE 4: Q. HOW OFTEN DO YOU RECEIVE ABUSIVE/VIOLENT MESSAGES, COMMENTS, OR OTHER COMMUNICATIONS [WORK-RELATED]?*



* To give an idea of the 'n' values involved here – for example, 13 respondents said, 'Several times a year' and that represented 28.26 percent of the sample; 10 respondents said it had only happened once or twice, and that was almost 22 percent of the sample

While 48 percent of respondents said the online harassment and abuse did not make them fear for their safety at all – they saw it as restricted to online comments only – just over 50 percent of our 46 respondents said they had feared for their safety at least once or twice in their careers. One journalist with a disability commented in the open comment boxes in our survey:

Please know that it's not just the death threats and very abusive messages that are distressing. Yes, they are HORRIBLE but a lot of the people we deal with are educated and will send well-crafted passive-aggressive messages that will not raise red flags with police because they contain no bad words etc. These are the accounts that I have had to block and to know that they are doing it to other people is very upsetting...

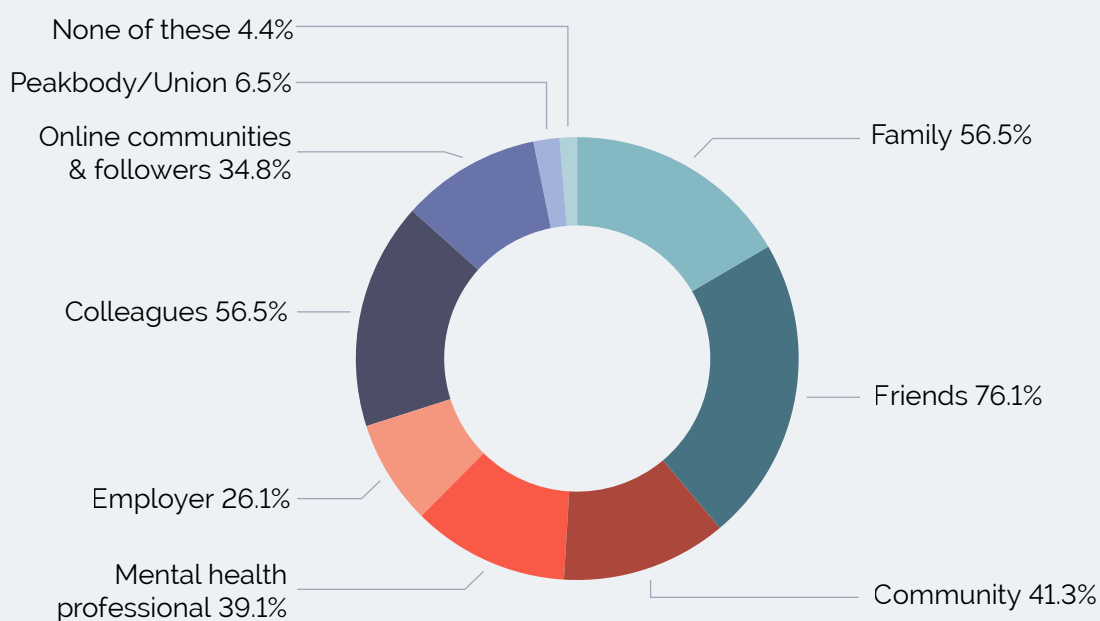
For Aboriginal journalists and media workers, certain times of year such as January 26 (Australia Day/Invasion Day) carried greater risk, and at these times they began to expect and prepare for higher levels of racism, trolling and online harassment and abuse as a response to their stories. One Aboriginal journalist said: 'We do brace ourselves when it comes near Jan 26'; while a CALD journalist with a disability also found that 'Australia Day/Invasion Day and ANZAC Day can be tricky with comments'.

Before we move on to our interview data to give some richer context to the survey findings, a final note on support that is offered to those who experience online harassment and abuse. The most common source of support came from 'friends' – but 'family', and 'colleagues', also figured strongly in the support network that surrounded

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media workers from diverse backgrounds who experienced online harassment and abuse. About one-quarter (24 percent) received support from their employer; and a further 30 percent received support from a mental health professional which sometimes occurred as a referral from their employer. Peak bodies and/or the union fared poorly on this question – only 3 respondents, or 6.5 percent, said they'd received support from a peak body or their union.

FIGURE 5: Q. WHO SUPPORTS YOU WHEN YOU ARE NAVIGATING ONLINE VIOLENCE AND ABUSE?



One of our LGBTIQ+ respondents expanded on their response to this question, explaining:

They [employers] say they support us but they don't really have any tools to help you do that, short of telling you that it's OK if you don't want to use social media for your job. It's pretty hard not to – you're kind of in a bind because if you step away from it you do miss stuff, and if you don't step away you can be completely obliterated by the anxiety of it.

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INTERVIEW FINDINGS

We have organised our interview findings in themes, to reflect the most common threads, anecdotes and explanations that our interviewees gave during our semi-structured interviews. Some of the people whose views we present in this section had already completed our survey; some had chosen not to do the survey but agreed to a longer form conversation about their experiences. As discussed in our Research Methods section, we completed 40 interviews for this research – roughly 10 from each of our categories of Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse (CALD), LGBTQIA+, or media workers living with disability. We also discuss the compounding impact on people who were targeted because they belonged to more than one of these groups. The key themes that we identified from our interview transcripts were:

- Definitions of online harassment and abuse: different experiences from our diverse cohort, including an understanding of the compounding effect of multiple diverse identities;
- The implications of online harassment and abuse, which included the normalisation of online violence; impact on mental health and well-being; a 'silencing' effect; and a desire to leave journalism or public-facing media roles;
- The significant diversity in support mechanisms depending on the employer and the culture of different newsrooms, along with the importance of informal support networks and the additional challenges for freelancers.
- Initiatives and strategies individual journalists and media professional employ to mitigate online harassment and abuse.

We have therefore organised our findings below according to these key themes but note numerous sub-categories relevant to these high-level thematic findings. First, however, we will briefly discuss how online harassment and abuse is defined by our sample, and the confusion that sometimes arises in identifying whether certain behaviour and comments from audiences are indeed, online harassment and abuse.

Understanding Online Harassment and Abuse

Participants' comments point to an uncertainty about what qualifies as online harassment and abuse. They tend to disqualify experiences of online harassment and abuse at the first instance, before it becomes clear their experiences were indeed abusive. This can be attributed to the normalisation of online harassment and abuse for media workers, evident in comments such as 'you have *made it* when you've received your first instance of online abuse'. What defines the online harassment and abuse landscape is an accumulation of messages and comments that might not be experienced as harassment and abuse on their own but can make someone feel a target of harassment and abuse when it becomes frequent. In the words of one CALD journalist:

I wouldn't say I call it harassment if I judge it based on each instance. I don't feel I'm being abused by one person. It's all those little comments as a whole that is what makes you feel harassed.

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Another said it was 'unbelievable' what some people will write – 'and they're not bots either. They're real people'. Online harassment and abuse is most often received in the form of written content. Twitter is coming up as one of the most problematic platforms in terms of the amount of harassment and abuse received. This is particularly due to journalists' reliance on Twitter to disseminate news articles and engage with audiences. Journalists also note Twitter is a useful platform for journalists to be reached by audiences, and there is an expectation from media organisations that journalists are accessible to their readers. As one CALD journalist comments:

I think the easiest is Twitter, because journalists leave their DM's (direct messages) open. You can tag them for comments and that's because Twitter is quite indispensable for journalists.

Several participants noted that Twitter has a bad reputation for instances of online harassment and abuse, but Facebook and Instagram can be equally bad, or worse. Facebook and Instagram are more personal platforms than Twitter, and journalists are more susceptible to comments and harassment and abuse that targets their personal identities. How public a person is on each platform depends on the settings they choose. When asked why they didn't make their profiles private, several journalists interviewed said they felt they 'had to keep their social media profiles public' in order for 'people with potential stories to contact them'.

Instances of online harassment and abuse can be automated through bots, which is common in state-sponsored violence, but most participants tend to receive comments and messages from real people. Online verbal abuse varies from unreasonable criticism about the stories produced that are intended to intimidate the journalist and undermine their intelligence, to outright hate speech targeting the person's diverse identity. Participants often express surprise at the nature of the comments and messages received. A journalist with a disability reported:

People will send images of people with disabilities, like people in wheelchairs being thrown off the cliff. It is extremely confronting.

For journalists with a disability, graphic comments are a common form of harassment and abuse received online. These can take the form of images, videos, and memes.

The following sections report findings from our diverse cohort in terms of the nature of the online harassment and abuse that they have received. As expected, Aboriginal and Torres Strait Islander and CALD community media workers reported the nature of their experiences of harassment and abuse in terms of racism; the LGBTQIA+ interviewees spoke in terms that equated to queerphobia and transphobia; respondents living with a disability reflected abuse in terms of ableism and degrading comments about their disability. We note the over-arching comment from many of our interviewees, noted above, that the added factor of *gender* seemed to heighten the form and type of harassment and abuse for all of our respondents.

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RACISM

Racist online abuse was reported by all Aboriginal and Torres Strait Islander and some CALD participants. Hate speech, slurs, and the perceived anonymity of the internet create an avenue for individuals expressing racist views to feel entitled to abuse or harass. This was evidenced regardless of topic area of expertise. A CALD journalist commented that while anti-vaxxers targeted them during the COVID-19 pandemic, 'I don't even think it got close to some of the shit that I get for being Queer or Palestinian'.

The platform or modality of journalistic engagement was also identified as a factor in the types of racially motivated online abuse individuals would receive. In discussing their experiences with talkback radio, a Torres Strait Islander journalist noted 'if they decide to ring you and abuse you, that's their prerogative'. They further noted that texts to the show were not immediately visible to the on-air hosts, to avoid distractions or immediate traumatising. However, this created a sense of guilt for many, that while grateful for the insulation from the harassment and abuse, another individual was having to deal with that content.

The issue of racially based hate in online comments, from DMs, contact forms, and emails was noted across the interviews, with several media organisations having teams dedicated to the management of responses to support their staff. While this was deemed beneficial in the prevention of immediate experience, it did not eliminate the affect of it in the work environment. In undertaking a secondment position, an Aboriginal journalist recounted that their executive producer had given them a prior warning about how to approach the emails they would be monitoring:

'Just be aware of the emails we get'... So, I started to see exactly what I'd been warned about. And so, it was good that I'd had that warning. But there was no mechanism to flag that to say that you had received a racist email to send it somewhere where that person could be put on a watch list or whatever it is, you know, where they're going to become a serial offender.

Thus, while there is the protective mechanism in place to compartmentalise who sees the racial abuse in these instances, there is no further preventative that is possible. Other journalists reflected that the expectation was 'chin up, carry forward'. Hate is now embedded in the online environment to such an extent, that even those who are tasked with managing it, are expected to leave it at the door, and proceed as if unaffected by the content.

The issue of what constitutes race, or who is allowed to identify as Aboriginal or Torres Strait Islander, was also evidenced across the interviews. This was particularly indicated by Aboriginal and Torres Strait Islander journalists who self-identified as having light-skin. In these comments, Indigeneity was often reduced to skin tone, with culture and relationships being erased from consideration. An Aboriginal journalist, early in their career, recounts reconsidering the industry altogether after receiving the comment:

We all know you fake tan, like stop pretending you're Aboriginal. Like you've only started identifying as Aboriginal now to get into these spaces.

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Aboriginal and Torres Strait Islander journalists were more inclined to limit their online presence entirely, increasing privacy settings where possible and removing images of themselves even on private social media accounts.

Aboriginal and Torres Strait Islander journalists, in particular, also highlighted the issue of institutional racism. Their own professionalism and objectivity is still often questioned when reporting on specific issues. Following the height of the COVID-19 pandemic, which resulted in issues-based reporting being shelved for a period of time, a Northern Territory news outlet commenced a series of issues stories. An Aboriginal journalist recounts discussions with their executive producer about presenting the content they had researched and pitched to the network:

She was just essentially saying, like, look, as an Aboriginal person, we just don't know if you are best placed to tell the stories. We just don't know if we can trust your ability to be objective, and you know, the optics of it and how emotional it may be for you.

Instead, the executive producer suggested the assignment of the presentation of critical issues to white male colleagues, who could present a "more academic and impartial" account of the topics.

All journalists have a lived experience of some nature, and to assume that Aboriginal and Torres Strait Islander journalists cannot be trusted to tell the stories of their people impartially, represents extensive institutional racial bias. It further promotes an agenda of what another journalist deemed 'passive ownership and control of the narrative'. They noted it is easy to recognise the right wing, particularly in online environments, as they are more aggressive, explicit and vitriolic in expression. Yet at the same time, the left and progressives are more implicit, perhaps even passive aggressive in presentation of racist positions; and heavily focus on control, presentation and ownership of the narrative.

An Aboriginal woman also gave an example of the kind of sexual and gendered racism she experienced in comments online, such as:

'women give up their kids to whites', as they put it, [or] women, you know, 'it doesn't count being raped if you're an Aboriginal woman, because, you know, they're always up for it'.

The implicit threat of rape was not deemed a legitimate concern by her employers at the time which is yet another instance of institutional racism.

Aboriginal and Torres Strait Islander participants were also concerned about how non-Indigenous people online would perceive conflict occurring between Aboriginal and Torres Strait Islander people online: 'You know, we're not having those conversations just between mob [Aboriginal and Torres Strait Islander people] online, everyone's watching, and I'm not sure how much protocol whitefellas should be privy to. It's none of their business...we're kind of like airing it for them to sit back and watch. And it's being co-opted by racists.' (Aboriginal journalist).

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While several Aboriginal and Torres Strait Islander journalists reported receiving online abuse from other Aboriginal and Torres Strait Islander people often when reporting on the current debate regarding the Voice to Parliament and the upcoming Referendum, they were mostly concerned about how non-Indigenous people would use this information politically and socially against other Aboriginal and Torres Strait Islander people and communities.

Several CALD journalists also shared their experiences of racism within the workplace. An Asian journalist recalled an older white male Editor coming up to him and asking 'what he was doing at a computer terminal. Haven't you finished cleaning the toilets?'. Another spoke about a senior state editor in their organisation telling the journalist they did not consider it racist when audiences called in and complained about how the CALD presenter had pronounced a word in an on-air story and suggested the presenter should 'go back to their own country'. The journalist explained how they were always made aware of the organisations 'values' and required to complete training modules looking at cultural diversity, and inclusivity in terms of disability, Aboriginal and Torres Strait Islander cultures, LGBTQIA+, however they felt those values were too easily 'thrown out the window' to satisfy 'racist audience demands. Particularly when there is malice behind those calls':

So yeah, I want my bosses to back me and I want the [organisation] to follow through on these values. If it's expected of me, I expect it of them.

There is added 'pressure' to leave diverse identities at the door and 'not bother' institutions with them. As one CALD journalist pointed out, it was difficult for Aboriginal and Torres Strait Islander colleagues because they 'don't get to stop being black. They don't get to stop being Aboriginal and Torres Strait Islander the moment they enter newsrooms':

If anything, there's even more of a focus on that aspect of them when they are in spaces that are predominantly white, you know, Anglo Australian. They have to find a way to work in those environments.

Journalists don't have to just deal with micro-racism when it comes to colleagues in the newsroom, or online, they also experience it when interviewing talent. A CALD journalist shared often in the middle of interviewing some people that 'they'll make a little backhanded comments' with comments such as 'I'm not sure if you'd know about the history of this because you don't sound like you're from here.'

A CALD journalist queried why they had to always appeal to a white middle-class Australian audience highlighting the need for diversity: 'I might help you reach another part of your audience that might be CALD and maybe, you know, someone with a disability.'

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QUEERPHOBIA

Journalists who identified as queer were concerned with how they presented themselves online, and the inability to engage with certain issues or topics, without risk of harassment or sexualisation. Queer participants expressed that they felt that they could not express themselves as openly or authentically as their heterosexual colleagues. A CALD journalist who identifies as queer stated:

I was like, if I would have gone on the internet right now and copied that same tweet word for it and posted it on the internet, I'm not going to get people being like, haha, you're funny. I'm going to get people being like, haha, you're a pervert.

At the same time, whilst participating in online communities that were queer inclusive, the status of journalists with a public profile or recognisable name also led to a heightened degree of harassment and abuse. As contact details were public due to the nature of their professional identity, journalists reported receiving messages on a repetitive basis requesting nude photographs, and making explicit comments about intent to engage in a sexual manner.

This balance between being an openly queer journalist and protecting themselves emotionally and physically was heightened when it extended to the content of discussions. Participants said that many individuals engaging with their online accounts did not want to discuss topics in which they had expertise, or community advocacy work they were active in. Instead, they had to deal with comments which hypersexualised and fetishized their identity. As a consequence of online reactivity, it was expressed by a journalist who identifies as queer:

While I identify as queer on the internet, I don't embody it. And I feel like it's because it's not safe for me to do so because if I were to do so, I would either be hyper sexualized and fetishized or I would be sort of seeing through the sort of lens of kind of like "hypermasculine brown kind of man is a predator" kind of way. So, like, that's an unpleasant space to be in, like, you know, I just, I'm, I just want to be myself, but I can't. (CALD journalist who identified as queer)

It is important to note that this journalist also identifies their race as significant to the kind of sexual discrimination and harassment they are afraid of. No protections from comments or harassment by employers were identified in the themes of online experiences of journalists identifying as queer. Rather, the consensus was to self-censor content based on audience, and overall, tone down expressions of sexuality and queer identity in online environments.

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TRANSPHOBIA

Online safety is particularly an issue for journalists who are transgender. Trans participants expressed similar anxieties about authentically expressing themselves online for fear of violence, fear of being treated with suspicion and concern that being openly transgender online would limit their employment opportunities. Participants who included that they were transgender in online biographies, said they experienced prejudice and hesitancy to engage with their potential publications, regardless of the content. One journalist discussed a publication on police misconduct, and the comments that were received, stating:

As far as I can tell, it's mostly reactionary commentators. But I would publish something completely unconnected to my trans history to trans liberation or anything. I did eventually publish a couple articles on police misconduct, for example. And I did receive from some reactionary commentators, they'd be talking, they made comments about like, oh, well, if the, if the journalist is trans, how can we trust anything that they say.

Safety became a paramount concern for transgender participants who also described a lack of institutional support, and in some cases workplace discrimination and harassment that was also transphobic. Reflecting on the decision to leave the profession of journalism, a transgender woman explained that an editor had produced photographs of her from what she believed was a private social media account. The photographs in question were gym progress 'selfies'. The images surfaced in what was believed to be retaliation in reporting on a medical professional with questionable conduct. In discussions with the editor about the story's development, particularly having obtained a quote from the medical professional at the centre of the piece, the journalist recounted the editor was focused on the images, not the article:

He was like trying to like slut shame me for like posting selfies where I was, like, happy with my body image, which is quite an accomplishment, like, that's an important thing for a trans person to get there where you're like, oh, I'm feeling good about my body.

Following the encounter, the issue of the images, not the content of the article itself, resulted in the story being cut. The journalist stated:

That was kind of the straw that broke the camel's back from within journalism, was just having colleagues make, in my opinion, a completely unjustified, like sexist judgement call that there'd be more reputational damage to accept work from a trans woman who's taken gym selfies, like, come on. Like, they weren't, they weren't like they weren't even nudes.

This is an example of not only online harassment and abuse, but also how workplaces further marginalise employees when they do not appropriately respond. Both examples demonstrate how transgender journalists and media workers are subject to institutional bias towards their character.

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ABLEISM

Ableism is the systemic exclusion and oppression of people with disability and for many of the media workers we interviewed, it remains an issue in Australian newsrooms. It is often expressed and reinforced through attitudes toward people with disability and captured by the power relations inherent in the medical model of disability (Marks, 1997). The medical model of disability is all about what a person can and cannot do. Many participants said they have difficulty obtaining employment in newsrooms because there is a perception they cannot do the work of a journalist. One journalist said they needed 'to continually call [employers] out because they are falsely presuming that you are not capable and incapable of taking that job on where you know that you can'.

I've been rejected more than I've been accepted. I would say in the employment space, I've always had to go out and get my own contracts. And I'd say my first job at [mainstream news organisation] on [program] was purely because I was a Paralympian. I don't think they knew I was studying journalism.

Another freelancer said there were 'not a lot of choices and options for someone like me', but it was their passion for the work that kept them motivated to find employment in a newsroom.

I've been the big dumb person, subjected to ableist bigotry or vitriol, and prejudice within my line of work. There is internal behaviour and attitudes that does get directed to you because of your disability and how you are perceived in the workplace. But it's the happy moments where you can feel [you are doing good work] that keeps you going.

Journalists and media workers with a disability face a greater precarity in media work and have to always 'hustle pretty hard to get work'. One former journalist shared their portfolio of journalism and media experience, but pointed out they were still unable to obtain regular employment.

Any work I have done with any media organisation in the past 20 years has always been a fill in, you know, someone's away. Let's do talk back radio or come on and talk about disability for free or we'll give you like a token. Yeah. So I've never had a contract with a media agency in my whole life. [My career] was all very ad hoc. That feeling of this is gonna be my last [gig] or this is gonna be my last story, or this is gonna be my last contract will never go away.

Likewise, those journalists with stable work environments shared that they are often called upon to fill in or cover certain stories because of their disability.

I've been on [program] over the years doing [accessible] stories, mostly again about [accessibility], you know. Accessible stories or travel stories. I tried and did a few that weren't, but it always sort of fell in that area. But again, that was never real work.

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On the other hand, media organisations, when using journalists or media professionals with disability as talent, lack any real understanding about the additional financial, physical and emotional costs they incur.

It costs me money to get up there, money for make-up and they wouldn't even do my make-up and hair. They never did that. They were like, no, you're not a [organisation] employee, so you gotta do it yourself. And of course, I'm like, oh, my God, I'm a quadriplegic. I can't even do my own hair.

Another journalist said that employers 'shouldn't make you out to feel that you want to have preferential treatment because of your disability'. While there may be a need to make some adjustments or accommodations for some journalists, 'it should not be an issue to make it more comfortable for them to do their job', whether their disability is visible or non-visible.

Journalists with disability are often the subject of ableist online harassment and abuse. One journalist referred to advice she received from disability advocate Stella Young about a story she had published about how to deal with trolls and ableist comments.

I was really worried that Stella (disability activist) wouldn't like it because she hates inspiration porn, [but] she loved it! We talked [about the story] and she said 'don't look down, don't read the comments.' They were fuelling the fire, the trolls were like, 'of course, you shouldn't be allowed [access to a space]' 'Like, it's not our responsibility to get you [access to a space]'. Of course, you need a medical clearance again. Like they've never had one in their whole life. Like, again, you can't get them. They don't exist.

When we asked another journalist with disability about what kind of online abuse they had experienced, they replied:

I won't go into the nitty gritty of all that because it would be quite rightfully disgusting. I don't think those people who are wanting to read the findings of your research report will forgive me or anyone involved for using such graphic language.

COMPOUNDING DISCRIMINATION AND ABUSE

The interview findings demonstrate significant compounding discrimination harassment and abuse against journalists and media workers who are part of more than one of these groups – Aboriginal and/or Torres Strait Islander, and/or queer or transgender, and/or CALD, and/or living with a disability. Discrimination and abuse can worsen, layer and/or become more likely when there is social and political disdain, and/or institutional bias and discrimination against more than one aspect of your identity. This also increases the likelihood you will be targeted by more than one group engaged in online harassment and abuse. For example, one CALD participant who identifies as gay and Muslim reported frequent homophobic attacks both from his cultural community, and fellow Muslims. He was subjected to homophobic attacks from individuals who felt the "gay problem" was the result of "too many immigrants", and from what he described as "boring white liberals" who felt the "homophobia problem" was also the result of "too many immigrants".

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For some, the sheer accumulation of abuse makes it difficult media workers to discern which part of their identity is being targeted. It is also a reason why some media workers choose to conceal aspects of their identities. For example, one CALD journalist we spoke to chose to conceal their LGBTQIA+ identity because of the compounding effect this might have on the abuse they were already receiving. Young media workers seem particularly vulnerable to online abuse. This is problematic in the current media landscape where young media workers are expected to 'swallow' the online harassment and abuse and accept it as a normal part of the job in an increasingly digital and social media era.

The stress that you get as a young person of colour writing about these things, I think it's qualitatively different to the kind of stress and abuse that a young white journalist receives in Australia (CALD journalist and commentator.

I have been targeted more so being a young disabled woman (journalist with disability)

I see a huge uptake in racist comments in any story that involves any diversity. (CALD journalist and producer)

Previous research has illustrated women are more often targeted by online harassment and abuse, and our findings indicate that misogyny compounds with other forms of discrimination to particularly target transgender women, young women, Aboriginal and Torres Strait Islander and CALD women, and women living with a disability. One media producer with a disability explains compounding discrimination and abuse against women saying:

It's so ingrained within all parts of society, all the pillars within society, all professions, which includes the media, and I think women, particularly women of colour and from Indigenous backgrounds, they receive the most horrific and vile abuse.

In terms of media gatekeepers such as editors and supervisors, and online abusers, our findings found some fairly predictable culprits – older white men. One journalist with a disability told us: 'All the online harassment is from a similar demographic. It's older white men'. While an editor from a culturally and linguistically diverse (CALD) background reported: 'The people I have to bend to are often white males over 40'

Aboriginal and Torres Strait Islander women who participated in this study described attacks on their gender typically as "just part of the game", almost expected, but the attacks on them as Aboriginal and Torres Strait Islander women were "a different type of harassment and violence". One Aboriginal woman gave examples of attacks that included accusations that because she was an Aboriginal woman she was also promiscuous and a bad mother. Quick to follow were accusations that she was an 'angry Black woman':

People always have something to say about a Black woman sharing her opinion...I feel it's impossible to get it right as a Black woman in journalism or who has this space or you know, is active on social media. Someone's always got something to say.

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Another Aboriginal woman who also identified as queer described the struggle against what she called "multiple barriers" that discriminated against her because of aspects of her identity:

You feel like you're making progress on one, and then it's like two steps back with another and then you get a bit of relief in one area. And then you kind of just get pummelled down by another.

Implications of Online Abuse

Online abuse has a varied range of implications for the individual, the media sector, and society at large. From our participants' responses we can identify five key implications: 1) normalisation of online harassment and abuse, 2) mental health and emotional pressure, 3) silencing, self-censorship and isolation, 4) leaving the industry, and 5) offline implications.

NORMALISATION OF ONLINE HARASSMENT AND ABUSE

Our interviews with participants reveal a strong sense that online harassment and abuse is a normal consequence of being a media worker in the modern media landscape. There is an attitude among media workers that online harassment and abuse comes with being a successful journalist or media worker. Participants reflect on a common acceptance that online harassment and abuse is an indicator of the success of journalists or media workers who have a public profile. This has certain implications for the safety of diverse journalists because it reduces the reporting of online violence. Junior journalists, in particular, commented on their reluctance to report online harassment and abuse, which they consider can be seen as a form of complaining and impact their career progression.

Ever since I told people I am a journalist, I've been told by so many people, including feminists, to expect being targeted online.
(journalist with disability)

I am told abuse is to be expected. As a woman it is double. And as a disabled person, it is more again. (journalist with disability)

As soon as you say you are a journalist, the response is: you are asking for it.
(journalist with disability)

I feel the abuse is something we must put up with. (journalist with disability)

I am cautious revealing my struggles because I don't want people to think I can't handle my job. (CALD journalist with disability)

Hate comments can be seen as a badge of honour.
(CALD journalist with disability)

There is a sense that when people are hating on you that you must have made it. (journalist with disability)

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Some Aboriginal and Torres Strait Islander participants described how certain aspects of online harassment and abuse were becoming normalised. The examples they gave included doxing, the use of "the N word", being referred to as a primate and using language to recast online white supremacists as 'the alt right' instead of plainly calling them racists. Across all reports of coping mechanisms in response to online harassment and abuse, was an embedded theme of shame and reluctant acceptance. Journalists noted they do not share content of abusive or harassing emails or comments. It is compartmentalised even further with a 'grin and bear it' approach to the digital realm. Overall, it was summarised as the "experience of the online environment is racist, you just have to deal with it".

MENTAL HEALTH AND EMOTIONAL PRESSURE

Online harassment and abuse puts an emotional burden on the work and wellbeing of a journalist. Participants who have experienced online harassment and abuse in various degrees in terms of frequency and severity have emphasised the impact it has on their mental health. Not receiving the necessary support to manage online harassment and abuse further contributes to feelings of isolation. One journalist with a disability, who also belongs to a CALD community, said young journalists at one particular large mainstream newspaper organisation were struggling on a daily basis, with high staff turnover and significant pressure to increase social media engagement with their work. She explains:

Hand on heart, they've all got mental health issues because there's no mental health support in newsrooms. Absolutely not. You get 3 free phone calls a year. But there's thoughts within the newsroom that your phone calls are being recorded, like, so it would be held against you. So that's why no one ever does it. I had a colleague of mine that ended up quitting. Well, [they] went on stress leave and ended up with [medical condition] because of working at the [large newspaper in Queensland]. So there's just no mental health support in the newsroom.... I'd be so flat from work and then you come home and you would look at your stories that you'd posted on Facebook getting negative comments. It was just this whole revolving circle. And that's what led to me being like I've had enough. I can't do this.

Others recounted:

The threats and comments impact my mental health significantly. I really struggled to see the good in myself. (journalist with disability)

They shoot off these comments they don't think about and then 5 minutes later they have moved on. They don't think about how that might have been affecting someone. (CALD journalist)

It's hard for people with a disability, because we're told not to complain. We're supposed to be inspirational [but that doesn't sit well with us]. And so, we remain quiet. (journalist with disability)

In talking about the abuse now, I realise it has affected me a lot more than I would let on in everyday life. (journalist with disability)

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You're reporting on your communities, you're reporting on your families, you're reporting on issues that impact you personally, impact your family personally. There is no objective disconnection from the events, you are in it and you are rehashing it and you are reliving it and you are re-traumatising yourself. (Aboriginal journalist)

It was hard at first, especially when I was talking about mental health and suicide. I was genuinely shocked that people were so awful, specifically because I was a woman. (journalist with disability)

The mental and emotional labour is not being recognised by staff and leadership who do not have to cope with online abuse. (CALD journalist with disability)

PROFESSIONAL VS PERSONAL IDENTITIES

Many participants referred to the difficulty in trying to keep their online professional and personal identities separate. As one trans commentator noted, 'Your self is a part of the work'. One CALD journalist expressed the inability for him to keep his work completely professional – there is always a personal risk. For Aboriginal and Torres Strait Islander journalists, there was also a perception that they would be held to a higher degree of scrutiny than their white colleagues, and therefore had to be above reproach when it came to what they were posting on personal accounts, even if locked as private, in case their information was shared publicly without their knowing or consent.

As already mentioned, one trans journalist recounted an incident where the target of their investigation retaliated by finding posts from their personal social media account which were used to publicly shame them:

My main advice is that you have to engage with the internet in a way that's completely different and separate from the way most people do. Because the more you use it in a personal way, the way your non-journalist friends do, the more threads there are to pull on to attack you as a journalist.

THE FEAR OF ONLINE HARASSMENT AND ABUSE GOING OFFLINE

Many participants described their feelings of fear for their physical safety if the online harassment and abuse was able to go offline. Some participants described experiencing threats of physical violence, and being doxed, which caused anxiety, paranoia, feeling unsafe, and fear of being recognised on the street or at a public event. One Aboriginal journalist described how her family had been doxed and she had received an email to her private email address stating that the sender knew what number bus her son travelled on to primary school. Another participant described having a stalker call her workplace and say defamatory things about her, apparently in revenge for being mentioned in an article. Another described their fear, not just that a "redneck" might turn up at their house "wanting to create havoc", but that the big mining corporations, for example, that had been the target of this participant's work, might be surveilling them, and the trouble this could bring. Sadly, another Aboriginal broadcaster

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explained that any Aboriginal or Torres Strait Islander person working as a broadcaster had to learn to live with feeling physically unsafe:

I mean, we always feel physically unsafe. Yeah. That's a Black career working in the kind of field that I do. And I don't hide anything, and shouldn't have to. So, yeah, I mean, the feeling of being physically unsafe is almost a permanent state.

SILENCING, SELF-CENSORSHIP AND ISOLATION

Online harassment and abuse is effective in preventing media workers from speaking out, both within their media organisations about the online harassment and abuse they are receiving, or about certain topics. For example, journalists who produce stories about their own communities are more likely to receive online harassment and abuse. This corresponds with our survey findings where respondents indicate stories about race, religion, gender and disability are more likely to result in abuse. For example, one CALD journalist noted how speaking out on social media can result in danger to his personal safety, as well as result in him losing his job. He noted that doxing has been something that people of his cultural background have been subjected to for years, even citing a particular website specifically dedicated to doxing this cultural group. For this participant, the very real and daily threat is to his career. This makes him feel that while his job is to "rock the boat" in a sense, he also has to be cautious not to rock the boat too much as to lose his job.

The perceived 'lack of protection' is causing journalists to practise self-censoring to minimise or prevent online harassment and abuse. Participants have noted they are more cautious what stories they are producing considering the abuse they receive. In addition to the impact online harassment and abuse has on what content is being - and not being - produced, it influences the wellbeing of media workers in the way they are silencing and isolating themselves online, and within their media organisation. As one CALD journalist and commentator points out, "to protect yourself as a journalist of colour in Australia, you don't want to go viral". A journalist with a disability further explains:

I think because the industry is not that diverse, it's hard for us to talk about the abuse we receive because we don't want to be seen as causing trouble. (journalist with disability)

I've noticed it really does happen as soon as you start speaking out about the things that matter, and when you get a bit more of the platform it happens even more. And that does really scare me because that means it is going to get worse. (journalist with disability)

Being an emerging journalist, I am afraid I won't get hired if I call things out or report the abuse more than I do. (CALD journalist)

Online harassment creates a real fear, and it does have a chilling effect. I have done a lot of self-regulation around my online behaviour inadvertently to prevent it. (CALD journalist)

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Aboriginal and Torres Strait Islander journalists claimed that online harassment and abuse has definitely had a silencing effect on them, making them reconsider every post, assessing if it will trigger racism, if it will upset other Aboriginal and Torres Strait Islander people, if it might be accused of being too emotional, too involved or not impartial enough. This becomes a general anxiety that manifests as a process of constant self-monitoring and censoring. As one Torres Strait Islander journalist stated:

There are definitely things I don't tweet about because I know I'm going to get trolled. There's definitely things that I have to think about twice.

A couple of participants spoke about reaching a point where they realised they were going to have to change how and what they posted on social media, because of the number of followers they had accumulated, and the potential for abuse. A trans commentator described developing the sense of awareness "of how some people might receive you and the hostility they might have towards you", and a hypervigilance of how they were being perceived all the time, which was exhausting. One CALD participant also stated:

I couldn't just post the same dumb shit that I was posting all the time, I had to be more careful about what I shared and who I shared it with. You know, having a small community of people around you on the internet is manageable, because these are the people you talk to and interact with. You can't generalise that to 12,000 people. You can't really post stuff about your life.

However, for many Aboriginal and Torres Strait Islander participants, this was countered by the responsibility they felt towards their communities, and their dedication to their people and their cause. Many spoke passionately about their work in relation to this, reflecting warmly on particular interactions with other Aboriginal and Torres Strait Islander people, and with anger regarding particular incidents of online harassment and abuse. For some participants, their work was not only a means of self-expression, but also a form of resistance. One Aboriginal journalist described the catch-22 for Aboriginal and Torres Strait Islander journalists.

You become a journalist because you're giving your mob a voice and that voice needs to be heard, but at the same time you then have to be careful about how you put your voice out there, how you put your mob's voice out there, to not cause your community even more trauma from the online abuse your voice might incite.

She described the "beautiful reward" that comes with giving your people a voice, juxtaposed with having to experience horrible hatred and sacrificing their mental health in return. She felt responsible for protecting other Aboriginal and Torres Strait Islander people from the online abuse her work might receive. Another Aboriginal journalist described using the position of power she had built within her employment over the years, as well as the privileges she had to "make places that I can enter safely, more safe for other mob", by having influence on decision-making over which people were involved in certain projects, and ensuring meaningful engagement on Indigenous-specific projects.

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LEAVING THE INDUSTRY

Mental health issues due to online harassment and abuse and the lack of support are reasons for people to leave the industry, and several interviewees reported they were now working in broader communications industries—usually public relations—following what they found to be an unacceptable level of online abuse and trolling.

Harassment led to me leave the industry very early on in my career because I couldn't hack it anymore. (journalist with disability)

I hope the amount of abuse I have received doesn't get worse because I do love my job and I don't want that to stop me from doing it. (journalist with disability)

If media organisations want to retain diverse journalists, they must take the necessary steps to look after their mental and physical well-being. And part of that is looking at online safety. (CALD journalist)

One journalist with disability who is now working in public relations reflects on her experience of working in the newsroom and the impact on mental health:

I'd be so flat from work and then you come home and you would look at your stories that you'd posted on Facebook getting negative comments. It was just this whole revolving cycle. And that's what led to me being, like, I've had enough. I can't do this.

One CALD journalist confirms the lack of effective mental health support in her experience receiving a substantial amount of online abuse:

I didn't get any support. It was a very traumatic time, to be honest.

Another journalist with disability working in a newsroom tells us she feels supported by the media organisation and the mental health services they offer:

I feel protected by my workplace. I have never felt scared for my safety because I have access to mental health support and programs that help us report abuse.

A senior Asian Australian journalist reflected on news organisations saying they want to 'expand and reflect Australian society better,' but questions how they were going to ensure young journalists are able to get that experience to get to those senior leadership roles or posts. He believes they need to ask why diverse journalists don't persist and why do they drop out?

So, you can have as many of these well-meaning apprenticeships and cadet positions at the bottom as you like. Open it all up, everyone goes in, but they don't stick around. They hit the so-called bamboo ceiling at about five or seven years into a journalism or media career and find they can't progress much further. And life is hard. I mean, and it's easier to make money or a living elsewhere, so they do.

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There were few participants who had experienced offline abuse in connection to experiences of online abuse – these cases were relatively rare. However, many expressed a growing fear of online abuse translating into offline abuse. Even when participants have not experienced offline abuse, they take precautions, sometimes as extreme as removing themselves from the electoral roll, to mitigate any concerns for being targeted offline.

Supports in Place

WORKPLACE STRUCTURES AND PRACTICES

Our findings show that forms of online harassment and abuse depend on workplace structures and practices. One CALD journalist commented that there was a 'dimension to online abuse which is not abuse, but the Newsroom itself'. They were referring to a lack of empathy within newsrooms towards reports from colleagues from diverse backgrounds, and the negative impact this lack of support and understanding from colleagues could have. Not only were they dealing with sometimes horrendous online comments, they felt isolated and alone within their workplaces because very few colleagues felt it was a 'big deal' – this all formed part of the normalisation of the online harassment and abuse of journalists.

This is observable from the experiences of CALD journalists with a cultural, linguistic or religious background that is targeted online. One CALD journalist commented in relation to his Muslim identity:

When leadership and staff do not understand how complicated it can be for a Muslim to be reporting about Islam, we become more vulnerable to attacks, including from within our own communities.

This is also evident in cases where journalists reported receiving state-sponsored abuse. Two of our interviewees have a national background that makes them susceptible to politically inspired abuse from foreign state actors. They report that one key reason why they feel unsafe is because their management and colleagues do not understand and empathise with their precarious position as a journalist reporting on topics and issues in their home country. In their words:

I don't feel a lot of newsrooms staff are aware of our situation and what kind of risk we taking and what kind of pressure we are in. (CALD journalist)

Journalists in media organisations that work according to a 'clickbait' reward system have commented on their increased vulnerabilities to online harassment and abuse. They are expected to share their stories through their own social media platforms, which makes them more vulnerable to online abuse. One journalist we spoke with shared how the online abuse had 'spilled over into their personal life', because family members had also been targeted by online comments.

We are expected to share our stories on social media. So our names are on it and therefore most people in the community would comment on the stories, and it [the feedback] was quite vicious. (journalist with disability)

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We have to sell our stories and we have to compete against one another to get clicks to basically save our jobs. (journalist with disability)

Another journalist with a disability, who has since left the industry and now works in public relations, said News Corp's 'Verity' system gave points to journalists based on the number of 'clicks' on their stories. This encouraged them to firstly, write stories that would attract a larger readership but might not necessarily be important news; and secondly, to distribute their stories widely on their own social media accounts. She indicated that the pressure to do this, and to attract many 'clicks' on each story, created significant pressure and normalised online harassment and abuse of journalists. She cited it as the key reason she had left the industry – both the online abuse, the clickbait culture, and the lack of support from colleagues within the newsroom for the pressure this created, especially for diverse journalists. Previous media coverage about the Verity software in place at News Corp newspapers—and we note all media organisations now use some form of analytical tool for their online content—has referred to Verity as an 'incentive scheme' to "encourage reporters to think about 'selling' their stories to readers and being more 'proactive' across the website and social media" (Meade, 2019). This reinforces the account from our interviewees and also suggests that while previous media coverage of analytical tools such as Verity are concerned about the impact of 'clickbait journalism' on the industry, they have not registered the impact of requiring journalists to 'sell' the stories online and become far more proactive on social media, and the potential harm this practice exposes them to (see also Samios, 2022).

The same effect is evident in editorial decisions that are motivated around clickbait. The comment of a regional CALD journalist reflects how editorial decisions made elsewhere (in head offices inter-state) can have a serious impact on the individual producing the story – every aspect of the story is associated with the journalist's byline, even though sub-editors and editors from other parts of the organisation might be writing headlines and re-angling stories to attract a bigger readership:

The headline that I didn't write was written by an editor and really upset people in the local community. And there were comments that were bad.

Despite receiving significant reader response to their published stories, CALD journalists are still not given other opportunities.

It's a bit tough to swallow. ... I did a local story over the weekend about [XXX] like local stories. The benchmark is 5000 clicks. I just did a story that just went gangbusters and got 100,000 clicks [but they still won't put me on air].

Some Aboriginal and Torres Strait Islander participants referred to hatred and what one called "trauma porn" being a commodity, an economic driving force for the media. One stated:

...hatred is like this wonderful lemon that they can just keep on squeezing to get the engagement and attention and timespan and thus, if we are the products that are being marketed to advertisers and our attention is the thing that, you know, that hatred and vitriol is what keeps us engaged then yeah, it's too hard a thing to change.

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Another felt that Aboriginal and Torres Strait Islander journalists are treated as though they "there to stimulate discussion, not thoroughly to inform" but rather as entertainment. The big media companies and platforms "have become addicted to the dollars that come off these models of hatred that they've designed". Another felt that getting caught up in having to deal with and respond to hate and controversy was a deliberate distraction tactic, to divert Aboriginal and Torres Strait islander people from their political and professional goals.

Participants also spoke to workplace assumptions that can have an exclusion effect. CALD journalists and media workers commented on the expectation to adopt an Australian accent, or dispose of a non-Australian accent, to progress in their careers.

It was told I You need to speak proper Australian English. You have a very strong accent. You will never make it to radio". (CALD radio producer)

I don't know if you can categorise that as harassment, but I don't think the comments would have had as much of an impact if I hadn't felt internal pressure about my accent. (CALD journalist)

Another said of newsroom culture:

I don't feel a lot of newsroom staff are aware of our situation and what kind of risk we are taking and what kind of pressure we are [under]. (CALD journalist)

It is important for leadership to be more immersed and empathetic to people with different lived experiences. (CALD journalist)

INFORMAL NETWORKS OF SUPPORT

For some media organisations, there is the perception that there is a lack of support provided by senior editorial staff and management. While there is the requirement to 'upward refer' these issues, such as receiving abusive comments, it is often left to the journalist to manage their 'feelings and emotions on their own'. As one young reporter shared, they don't 'know how to deal with those things.' Another CALD reporter shared the experience of her colleague:

One of my colleagues, who is a reporter with a disability, received an [abusive] email from a reporter from another organisation. She showed it to our deputy editor and he didn't really have much to say. He's like, 'OK. Thanks for letting me know.' And he just left it.

Where there is a lack of organisational and institutional support, participants rely on informal networks of support. These informal networks can be colleagues with similar lived experiences of diversity or, when internal support is not available, private networks, such as family and friends.

I remember the stress of the abuse. There is no one to talk to besides other colleagues who are also people of colour. (CALD journalist)

I have an acute supportive community around me. I don't think I could do it without the community supporting me. (journalist with disability)

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Additional challenges for freelancers

Freelance media workers do not have organisational support and safety mechanisms. This makes online harassment and abuse more difficult to manage and has a negative effect on silencing and self-censorship. Freelance participants must find their own networks of support and ways to protect themselves, both online and offline. There is a strong feeling of isolation that comes with experiences of online harassment and abuse for freelance media workers.

A trans journalist with disability explained how as a freelancer:

...the whole premise from the publication's point of view is that you aren't an employee, they aren't shouldering all of the liability and the risk for these investigations. That's why they love this arrangement...Because as a freelancer, if I got to a publication being like 'Nazi's doxed me and they're threatening to throw acid in my face' or something, they would be like 'hope you bought insurance'. Like, they wouldn't do jack shit. Because I'm not an employee.

I think I am more afraid because I don't have support and organisational backing. I am just on my own. (journalist with disability)

I felt alone a lot when I was freelancing. (CALD journalist)

Another journalist working as a freelancer for several Australian and New Zealand media organisations in the Pacific found a dramatic shift in the support she received when she moved from being a freelancer on a small retainer, to a contract employee. She starts her account with her experience working as a freelance for several media organisations:

But to answer your question, about the kind of support during the pandemic when I was freelancing...I was pretty much writing for, you know, whoever asked for it... And so because I was a freelancer, I couldn't really access any of the support that they gave...and then [when I started receiving significant abuse online] I'm not sure why, but they reached out to me to say, 'Hey, we can see that you're not OK. We'd like you to stand down. And would like you to rest. And we'd like you to consider telling the rest of your clients to let you rest and just, you know, just be safe.' So aside from that I did not get any kind of support from anyone, not from my peers, most definitely not from my peers. It was a really difficult time.

This journalist then picked up ongoing contract work with the ABC and found strong support and protection in her role as a CALD woman and journalist, facing significant gender-based and culturally-based discrimination from sources and online commentary from the public:

There was...a particular incident, it triggered a protocol within the ABC to protect me so I got physical protection in the form of lawyers to give me legal advice daily and to block off legal abuse that was coming at me. But I also had a specialised counsellor who dealt with online abuse and honestly I didn't really use her much. But every day she would message me and call

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me and check if I was OK and, you know, remind me to stay off social media. But the abuse then was so bad I shut down. I basically needed to just not do any work. So I was off work for about 5 days and I had bodyguards looking after me because the ABC had ascertained that the online abuse could transfer to physical abuse. But yeah, they were there for me completely, and the bosses instituted a plan where somebody would check in with me every hour.

MITIGATING ONLINE ABUSE

Existing safety and reporting mechanisms

Media organisations in Australia have implemented different safety and reporting mechanisms. The ABC has developed a range of resources and provided them to eSafety as part of a partnership agreement. These resources encourage employers to promote online safety of journalists. The eSafety Commission has a broad range of powers and information to help people who experience online abuse. Within mainstream media organisations, these mechanisms might differ between states and regions. The extent to which journalists and media workers feel protected is dependent on existing safety and reporting mechanisms, and our participants in particular point to the importance of effective and responsible management and leadership.

I don't think the media sector and its leadership knows how to deal with those things. It is largely left upon us. We are expected to manage those feelings and those emotions on our own. (CALD journalist)

From our participants' voices it is evident knowledge of existing internal and external safety and reporting mechanisms are lacking. Journalists and media workers largely feel they have to combat online harassment and abuse on their own, even when due reporting mechanisms are in place. This can be attributed to the emotional burden that comes with experiences of online harassment and abuse. Moreover, the competitive nature of the current media environment also prevents journalists and media workers from reporting instances of online violence. At other times, reporting has not resulted in positive outcomes, and journalists find themselves reluctant to report each time they are receiving online harassment and abuse. In the words of one journalist with disability: "it is up to me what I want to do about online abuse. It is quite exhausting to follow up on the reporting and I usually let it go".

There's no support there and I just don't want to always raise it, because sometimes it's too much. (journalist with disability)

I am not inclined to report an issue of online abuse because I am afraid to be seen as the problematic person. (CALD journalist)

Another CALD commentator reported feeling that their employer had already earmarked them as a troublemaker, and therefore would not be likely to respond to any of his reports.

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A trans commentator described the isolation they felt in being the only trans staff member in their workplace. While they felt they had supportive colleagues, they certainly did not feel they were part of a trans-inclusive network. This paired with a lack of confidence in the workplace's understanding of trans politics made them uncertain about whether they would have any support if they were to report anything problematic.

It was also evident in the experiences of Aboriginal and Torres Strait Islander journalists, who reported reluctance to report any instances of online harassment and abuse because past experiences had resulted in them being told to "grow a thicker skin", with little action taken. As one Torres Strait Islander journalist commented:

I think mostly when you're an Indigenous staffer in that bigger situation, you're like, well, will anything happen? You know, like, will they bother taking that comment down? Will they hide that comment? Will they think that it's not free speech? Will they not think it's as bad?

Another participant, an Aboriginal queer journalist, stated:

...you're reporting on your communities, you're reporting on your families, you're reporting on issues that impact you personally, impact your family personally. There is no objective disconnection from the events, you are in it and you are rehashing it and you are reliving it and you are re-traumatising yourself.

This participant felt there was a work culture that enabled you to put up your hand to say you were struggling, but that this would later be used against you if you attempted to progress within the organisation professionally, as an example of you "not having what it takes".

Participants described the strategies they used for dealing with or preventing online harassment and abuse, including:

- blocking users, or muting them if they feared blocking would incite further trouble
- disabling comments
- not posting anything that could possibly be used to trace them to a location or gain their personal information
- fighting to be given access to a secure carpark
- deleting messages that contained any personal information in case their account was hacked
- muting key words and hashtags in Twitter
- using the feature in Instagram where if they block a user, they can also block any other accounts attached to that same user's email address
- a Chrome app that enables blocking all the followers of a particular account
- another app that enables blocking all the accounts that liked a particular tweet.

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A trans journalist with disability explained how as a freelancer, they would create a 'fake paper trail' for trolls, that would alert them to any potential attempts of trolls to take the online abuse offline:

I knew I had to put a lot of effort into making sure that my digital footprint couldn't be traced back to me in a way that would expose me. So, I did as much as I could. I asked to publish under a pseudonym in a lot of cases and I even put up a fake paper trail, which I knew that the [white supremacists] did pull on, because I had a fake phone number that I knew got doxed. And they were trying to call it...kind of like setting a string, you know, if you're making a camp and you set up like a string with a little bell or something, if an animal crosses it, you wake up, you get to avert the disaster, because you have this warning system in place.

An Aboriginal journalist and writer noted that blocking comments creates "a bit of a barricade" to protect you and others, however when publications turn off the comments section on their posts, the vitriol then gets directed to the author on their own private accounts, placing the burden of responsibility onto the journalist/presenter/writer/interviewee. This participant felt that the problem is that the people making decisions about how online abuse is handled and prevented are so completely removed from the consequences of it, "they just don't have an understanding or appreciation of it". There were two suggestions made by this participant. Firstly, those who are best positioned to tell and report on stories that affect the Indigenous communities that they come from should be resourced to do so more often, so that Indigenous journalists are "enabled to tell our stories on our terms in our ways". Secondly, organisations need to realise that the stress and trauma experienced by Indigenous journalists can extend longer than just the 24 hours that a story is hitting the headlines, and therefore the support also needs to be there longer:

...what they don't recognise is that we carry the weight of those experiences for more than just 24 hours...You know, it's something that is perhaps omnipresent for what could be weeks, it could be months. So, I think it can be a longer-term commitment and timeframe from Office, or having those support mechanisms in place for people that are on the frontlines of telling stories that are going to attract a lot of hatred and vitriol.

Social Media Platforms

In relation to social media, journalists feel largely unprotected by social media platforms.

The only thing that makes me feel protected is the fact that I can block the abusive comments. However, that doesn't stop the abuse.

(journalist with disability)

I do not feel protected by social media platforms. I do feel supported by my workplace and the workshops and mental health counselling they offer.

(journalist with disability)

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Many participants felt social media platforms had a responsibility to create a safe environment, however they also understood that these were profit-making entities with little concern for the individual's personal experience. To believe they would be interested in the safety of their users was agreed by several participants as naïve, however these same participants also agreed that they had a moral obligation to protect those using their platforms. There are a number of industry codes and standards captured by *The Online Safety Act's* BOSE provisions that also confer power on the eSafety Commissioner to make online services report on their compliance to BOSE (see below and refer to Appendix A). A trans commentator described the frustration at seeing marginal conservative right views gain a platform and then be controlling certain debates, for example, white supremacists being given a platform to have a trans debate – 'You know, let's debate the existence of trans people with people who wish they didn't exist'.

A CALD journalist also described the conflict he experienced when using social media for his political cause:

You can't talk about the genocide [your people are] encountering, because that makes it unsafe for the people committing the genocide...So, who do these safety policies actually serve?

This same participant pondered:

I do wonder what a more democratic internet might look like, if you know, there was more public ownership of the internet for platforms or how that might operate. Where the cultures within the internet were different. And I think that's a question of, you know, the internet's always been a place where you just can hide behind a fence and throw shit at people. And that's not new but I wonder how we begin to build cultures on the internet that allow for open conversation that is safe for everyone?

The Media, Entertainment and Arts Alliance (MEAA) is the peak body and union that has a remit to advocate for protections of workplace safety and appropriate culture for journalists and media workers. Several of our interviewees reached out to the MEAA to see if they could assist regarding online harassment and abuse. One Asian-Australian journalist reported:

You continue to talk to, you know obviously to chapters of the Union in these media organisations talk about protection. But I think generally speaking in my experience the MEAA and Australian media journals generally are a bit oblivious. They can understand it, perhaps in the abstract, but don't quite get the costs involved, whether emotional, financial you know, career wise in trying to deal with this.

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Another journalist with a disability who also belongs to a CALD community said she and her colleagues had called the MEAA twice to deal with increasing mental health and stress issues around online abuse in their organisation. She recounts:

We physically as a newsroom had gotten to the point that we were like, this is actually really toxic and so...we actually called in the MEAA twice for meetings and without our bosses because we were concerned about mental health in the newsroom. Twice we called them in. Yeah, but not a lot of action was taken from that because then our bosses found out that we called them in and it caused friction in the newsroom, so we've literally felt like we had no support and so I wasn't alone on this. This was like a whole newsroom.

One journalist also spoke to the media union and felt there was a similar approach to that in the newsroom:

I spoke with the then president of the MEAA...[their] response, I thought, was a bit blasé and indifferent actually and I think [they] didn't see it as being significant.

While none of the participants in this research mentioned they had contacted the eSafety Commissioner it is important to note they do provide a reporting mechanism that offers a source of support and protection for journalists and media workers.



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EDUCATION AND REPRESENTATION

Our participants point to the importance of awareness among management and leadership about what it means to be a journalist or media worker with a diverse background. When management and leadership do not have an awareness of the lived experiences of diverse media workers, participants note that they feel more vulnerable in dealing with online abuse. Also, the lack of awareness can put media workers at further risk of receiving online abuse.

The more interaction I get online, the more I realise there is not enough education out there. (CALD journalist with disability)

I think it's important that while we address the online, we continue to address what happens inside because we need greater sympathy and greater understanding from our managers to feel safe as diverse journalists. (CALD journalist)

And that's why I think you need to have senior people of colour with lived experience of diversity. Because sometimes when you're putting these complaints forward, you have to fill them in with all this background and experiential knowledge they don't have, and that already distracts from the point. (CALD journalist)

That concludes the reporting of our key findings from both the survey and interview data.¹ We will summarise the main messages from this data in our final Conclusion and Recommendations section; but next, turn to an analysis of the existing policy, regulatory and self-regulatory mechanisms that frame the space of online abuse and harassment, both nationally and internationally.



¹ Available under the Online Safety Act 2021 for people who experience harassment online.

Summary of policy landscape



The extended policy report (see Appendix A) reviews the legal, regulatory and self-regulatory landscape of the online safety of diverse news media workers/journalists in Australia – that is, media workers living with disability, culturally and linguistically diverse (CALD), Aboriginal and Torres Strait Islander, and/or LGBTQIA+. It benchmarks those policies against comparable Western democracies.

Given budget and time constraints, policies that are not publicly available—such as internal corporate policies and complaints systems—are not featured. It is recommended further research involve such investigations. This summary therefore provides key findings from a search of the national and international literature and available policy documentation about what policies, codes and guidelines exist to protect journalists and other media workers from online harassment. Note this summary does not speak to the effectiveness, nor accessibility of mechanisms – it is an overview of what currently exists, and we make recommendations regarding the current mechanisms in our Executive Summary.

[This summary] provides key findings from a search of the national and international literature and available policy documentation about what policies, codes and guidelines exist to protect journalists and other media workers from online harassment.

SUMMARY OF POLICY LANDSCAPE

KEY FINDINGS FROM POLICY REVIEW

1. No Australian laws address the specific needs of the diverse categories of journalists in the focus of the overall study, but there are several laws, regulations and policies that intersect with their situations as either targets of online harassment and abuse, as journalists or as members of diverse groups.
2. Such instruments, laws, regulations and guidelines cover online discrimination, vilification, bullying and harassment from international level down to jurisdictional level (Commonwealth, state or territory) and then to industry level.
3. The UN Secretary-General has noted the intersection of various forms of diversity with sexism and misogyny and online violence (2021). Those from diverse backgrounds experienced higher rates of online violence meaning national protection mechanisms should cater for the specific needs of women, minority groups and other diverse categories of journalists as they are most likely to receive online abuse, and to receive additional abuse related to their gender, sexuality, ethnic identity, or disability.
4. Australia's commitment to human rights treaties covering civil and political rights, racial discrimination, and disability rights point to the tension between freedom of expression and the rights to be safe and not to be discriminated against. Further, the free expression right can be viewed as both the rights of engaging in online harassment and the rights of those harassed to engage in public debate about the matters raised.
5. Specific international human rights instruments offer diverse journalists a touchstone for public protest, action or legal arguments against online violence on the grounds of their '*right to the protection of the law against such interference or attacks*' [Appendix Section 1a].
6. Several UN committees and reports have called upon nations to express clear commitments to journalists' online safety, and particularly that of diverse journalists [Appendix Section 1a]. While Australia is signatory to several human rights instruments in this space, the High Court has ruled legislation is necessary to render international obligations enforceable in the courts. Treaties can, however, inform the courts' legislative and constitutional interpretations [Appendix Section 1a].
7. A potential hurdle to regulations protecting diverse journalists is that specific guidelines for public servants advise them they must consider the right to freedom of opinion and expression when developing legislation, policies and programs [Appendix Section 1a].
8. There has been considerable activity on the issue of online safety of journalists at the level of international organisations, including research, guidelines and advice to journalists who have been targeted, particularly females, but only passing reference to other types of diverse journalists [Appendix Section 1b].
9. Despite UN calls on social media platforms to prevent or mitigate human rights attacks on journalists, with specific directions on action, implementation by platforms has been sporadic [Appendix Section 1c].
10. Facebook and Twitter have been identified as the platforms of most abuse against women journalists. [Appendix Section 1c].

SUMMARY OF POLICY LANDSCAPE

11. Facebook's parent company Meta defines hate speech as direct attacks against people with 'protected characteristics' such as those in this study. [Appendix Section 1c].
12. The Meta Diversity Oversight Board case study offers insights into handling the balance of free expression and hate speech, LGBTIQ+, marginalised communities and sex/gender equality. [Appendix Section 1c].
13. The UN Consultation outcome document on the Plan of Action on the Safety of Journalists and the Issue of Impunity listed several options for policy actions by industry. [Appendix Section 1d].
14. Although no existing Australian laws, regulations or policies specifically address the online safety of the types of diverse journalists targeted by this study, several relate to the online safety of the general population or to discrimination or vilification (not necessarily online) against the diverse communities addressed in this project [Appendix Section 2 Introduction].
15. At Commonwealth level, the most commonly used provision of the *Criminal Code Act 1995* used to prosecute online harassment is Section 474.17, which outlines, "using a carriage service to menace, harass or cause offence". It carries a maximum penalty of five years' imprisonment. There were 927 charges against 458 defendants found proven under section 474.17 between its introduction in 2004 and 2018 [Appendix Section 2a(i)].
16. Diverse journalists can also utilise the *Racial Discrimination Act 1975* s18c which makes it unlawful to do an act reasonably likely to offend, insult, humiliate or intimidate another person or group if the act is done because of the race, colour or national or ethnic origin of the person or group. This legislation has been used successfully to seek redress over offensive racial commentary in newspapers and online articles [see Appendix Section 2a(i) for further detail].
17. *The Online Safety Act 2021* commenced on 23 January 2022 delivering new and strengthened schemes administered by the eSafety Commissioner to keep Australians safe online, including reporting avenues and mechanisms (such as *Online Safety Act*, and BOSE) to remove seriously abusive and harmful content. The *Online Safety Act's* BOSE provisions confer power on the Commissioner, to make online services report on their compliance to BOSE. <https://www.esafety.gov.au/industry/basic-online-safety-expectations>. Additionally, the development under the OSA of industry codes and standards plays a role here too: <https://www.esafety.gov.au/industry/codes>
18. Possible outcomes include fines or penalties for services or platforms that don't remove content, fines or penalties for the person responsible if they don't remove the content, or further legal action. Under Section 91 of the Act, failure to comply with a removal notice from the eSafety Commissioner can incur a maximum fine of 500 units (\$111,000 at June 2022). [Appendix Section 2a(i)]. (This figure will be indexed July 2023 to be \$137,500)
19. Diverse journalists facing online discrimination in a work context might use the *Sex Discrimination Act 1984* (SDA), which makes it unlawful to discriminate against a person because of their sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, because they are pregnant or might become pregnant or because they are breastfeeding. [Appendix Section 2a(i)].

SUMMARY OF POLICY LANDSCAPE

20. Under the *Fair Work Act 2009*, the Fair Work Commission can also hear allegations of cyber bullying or sexual harassment in a work context, under s. 789FD. [see Appendix Section 2a(i) for details on instances when this Act has been used].
21. High Court decisions have been relevant to legal actions by diverse journalists, particularly the Voller decision in 2021 ruling media organisations could be held liable for the posting of defamatory comments by third parties in response to stories featured on Facebook pages they hosted. [Appendix Section 2a(ii)]. In *Monis v R; Droudis v R* (2013) 249 CLR 92, the High Court held under the *Criminal Code* s474.17 the words "menacing" and "harassing" imply a concern for that person's safety, and that "offensive" communication likely to have a serious effect upon their emotional well-being. [Appendix Section 2a(ii)].
22. Various Commonwealth agencies and national NGOs have complaints mechanisms available to diverse journalists for breaches of their online safety, including the eSafety Commissioner, the Fair Work Commission and the Advertising Standards Bureau. These different mechanisms vary on both penalty and enforceability, depending on whether they are regulatory or self-regulatory (i.e. self-regulatory mechanisms from different industries are far less likely to be enforceable) [Appendix Section 2a(iii)].
23. A range of measures are available under State laws for diverse journalists to complain about online abuse, with examples provided under personal safety intervention orders, stalking charges, cyberbullying, workplace health and safety offences, and various criminal code offences. Civil litigation available to diverse journalists includes defamation, invasion of privacy and breach of confidence [Appendix Section 2bi].
24. Although Australia has no Bill of Rights at Commonwealth level, three Australian jurisdictions do feature bills/charters of rights. Queensland, Victoria and ACT have their own human rights legislation, which grants rights of freedom of expression to individuals among a host of other rights – and avenues diverse journalists can pursue for their infringement. [Appendix Section 2bii].
25. State-based court decisions have made important findings on workplace safety for journalists and the duty of platforms to reveal the identities of online transgressors [Appendix Section 2biii].
26. At an industry and corporate self-regulation and policy level, initiatives by the MEAA and GEN VIC have addressed online safety of women, moderation guidelines and other cyber safety training, while the Australian Press Council's complaints systems can be utilised against print and online newspapers. Employers and public broadcasters have internal policies promoting online safety [Appendix Section 2c].
27. Despite these Acts, codes, and corporate self-regulatory tools, however, the Abdel-Magied and Gorman case studies of online harassment illustrate the lack of *effective* mechanisms. [Appendix Section 3].

SUMMARY OF POLICY LANDSCAPE

28. The benchmarking of Australian laws and policies in relation to the online safety of diverse journalists compared Australia with the US, UK, EU, Canada and NZ. [Appendix Section 4]. The benchmarking against NZ proved most valuable, with some recommendations worthy of consideration, particularly:

- Making it a criminal offence to ‘...post a digital communication with the intention that it cause harm to a victim...’, where posting the communication harmed the victim and would have caused harm ‘...to an ordinary reasonable person in the position of the victim...’, or to send messages and post material online that deliberately cause somebody serious emotional distress.
- Enabling a court to hear civil proceedings about serious or repeated harmful digital communications.
- Making it a criminal offence to incite someone to commit suicide, regardless of whether the person attempts suicide [Appendix Section 4e].

SUMMARY

Overall, this policy review finds numerous legal or complaints process options for media workers of diverse backgrounds to pursue in circumstances where they are harassed or abused online.

Australia’s independent regulator for online safety the eSafety Commissioner provides a free and accessible complaints scheme for individuals experiencing serious online harms including Australian adults experiencing seriously harmful online abuse. Refer to the appendix for a description of powers able to be exercised by eSafety through the *Online Safety Act 2021*. This includes requiring ‘online services providers to remove harmful content within 24 hours of receiving a formal notice’ and requiring ‘an internet service provider to block access to material that promotes, incites, instructs or depicts abhorrent violent conduct’².

However, as this review has shown, there is insufficient awareness within the media profession, including among diverse journalists, about the powers and supports of the eSafety Commissioner.

In addition, many of the other options are prohibitively expensive (e.g. taking a social media platform to court under the Sex Discrimination, or Racial Discrimination Act for publishing abusive comments); or lack any real regulatory power – that is, even where some complaints mechanisms may find in the complainants’ favour, their findings are not enforceable or punishable in any meaningful way. Refer to the appendix for a description of powers able to be exercised by eSafety through the *Online Safety Act 2021*, the *Telecommunications Act 1997*, and sections of the Criminal Code such as compelling ‘online services providers to remove harmful content within 24 hours of receiving a formal notice’ or ‘require an internet service provider to block access to material that promotes, incites, instructs or depicts abhorrent violent conduct’³. There are some hopeful options evident in the New Zealand legal system that Australia could consider adopting. See our Executive Summary for Recommendations based on this policy and code review.

2 <https://www.esafety.gov.au/sites/default/files/2022-03/Compliance%20and%20Enforcement%20Policy.pdf>

3 <https://www.esafety.gov.au/sites/default/files/2022-03/Compliance%20and%20Enforcement%20Policy.pdf>

SUMMARY OF POLICY LANDSCAPE

The following section is provided by the eSafety Commissioner.

eSAFETY COMMISSIONER

The eSafety Commissioner has a broad range of powers and information we have to help people who experience online abuse.

An existing safety and reporting mechanism that can be a source of support and protection for journalists and media workers is the eSafety Commissioner (eSafety). eSafety assists Australians to deal with harm caused by serious online abuse or illegal and restricted content. Under the Online Safety Act 2021 (Cth) ("OSA") eSafety administers complaint and reporting schemes that allow Australians to directly report to eSafety the cyberbullying of an Australian child, serious online abuse of an Australian adult, image-based abuse and illegal and restricted content such as child sexual abuse material or acts of terrorism. The eSafety Commissioner has powers conferred by the OSA to investigate these complaints and require removal of material that fulfils the criteria stipulated by the OSA.

The OSA created a world-first adult cyber-abuse scheme to address serious online abuse for Australians 18 years and older. Serious online abuse is when the internet is used to send, post or share content that is likely intended to physically or mentally harm the person targeted. For eSafety to investigate a complaint, the harmful material must meet the legal definition of 'adult cyber-abuse', i.e. the following two requirements:

- a) an ordinary reasonable person would conclude that it is likely that the material was intended to have an effect of causing serious harm to a particular Australian adult; and
- b) an ordinary reasonable person in the position of the Australian adult would regard the material as being, in all the circumstances, menacing, harassing or offensive.

The material can include posts, comments, emails, messages, chats, livestreams, memes, images and videos. Individuals should report the material to the relevant online service provider, collect evidence such as screenshots, usernames and URL's and then report the material to eSafety. If the platform does not remove the reported content within 48 hours of the complaint being made, eSafety can issue a removal notice requiring the service provider to remove the material within 24 hours. eSafety has enforcement and penalty mechanisms available for non-compliance.

Notably, the second requirement allows eSafety to consider how an ordinary reasonable person in the position of *the Australian adult* would regard the material. eSafety can therefore consider intersectional factors that apply to a particular Australian adult when determining whether material is menacing, harassing or offensive. This includes whether a person has been targeted due to their cultural background, sexual orientation, gender, disability, mental health condition or family or domestic violence situation or a combination of these factors. Diverse journalists and media workers can utilise the complaint mechanisms that eSafety administers under the OSA to report seriously harmful adult cyber-abuse.

Conclusions & recommendations

REGULATE SOCIAL MEDIA

This research report demonstrates that social media platforms, which play a significant role in the dissemination of news media, are far from neutral sites. Most participants described Twitter and Meta/Facebook as key sites of harassment and abuse via posts, direct messages, comments and stories. Journalists and media workers involved in this report have generously shared experiences that demonstrate the ease and impunity with which abusers are able to harass, terrorise, silence and intimidate diverse journalists using social media. Continuing to moderate content and accounts is one possible way social platforms can support diverse journalists, however our data suggests that this is doing little to limit and prevent online harassment and abuse. There is a clear need for preventative approaches to online harassment and abuse which, we have shown, is silencing and deterring journalism and other media work by marginalised and diverse communities in Australia. While continuing to address and intervene in the behaviour of individual users, social media platforms also need systemic approaches to prevention and regulation in with other new media. There is also a need for adequate evaluation of workplace policies and processes to manage the risks posed to journalists and media workers who use these platforms.

In summary we recommend:

- Social media platforms **work on systemic approaches** to preventing online harassment and abuse, particularly harassment and abuse that is targeting marginalised and diverse communities.
- Further research and work towards greater and more effective **legal accountability** for social media companies for the information they host on their platforms.
- **Awareness campaigns** for greater awareness of **available reporting avenues and mechanisms** for enforcement.
- Workplaces to evaluate and account for the risks to diverse staff using these platforms with greater responsibility placed on **processes and training**, rather than individuals in line with Work Health and Safety regulations.

CONCLUSIONS & RECOMMENDATIONS

TAILOR REPORTING TOOLS FOR DISCRIMINATION AND HARASSMENT

This report outlines how online harassment and abuse directly targets and impacts diverse journalists and media workers based on the communities and social groups they belong to. Journalists and media workers who contributed to this report who are women and/or Aboriginal and/or Torres Strait Islander, and/or LGBTQIA+, and/or CALD, and/or living with a disability describe discrimination and abuse that can worsen, layer and/or become more likely when there is social and political disdain, and/or institutional bias and discrimination against one or more aspect of their identities. There is a clear need to address online harassment and abuse against diverse journalists as an issue of discrimination. Employers also have a responsibility to rethink online abuse as an issue of discrimination and harassment occurring in the workplace. Although there is an existing reporting tool provided by the office of the eSafety Commissioner for online abuse, there is also a need for a targeted reporting and complaint process that can account for specific kinds of abuse targeting journalists and media workers. While the *Online Safety Act 2021*, the *Fair Work Act 2009*, the *Sex Discrimination Act 1984* and the *Racial Discrimination Act 1975 s18c* make many kinds of online harassment and abuse illegal, our interview data demonstrates that more support is needed to raise awareness of available reporting channels and mechanisms to practically enforce this legislation.

In summary, we recommend:

- Employers treat online harassment and abuse of diverse journalists and media workers as an **issue of workplace discrimination and harassment**.
- The eSafety Commissioner, and the MEAA as the industry peak body, should prioritise working with diverse journalists, media workers and communities to **raise awareness about eSafety's resources and services**, including its reporting and complaint processes.
- Resources directed to assist journalists and media workers **to take action** under existing and any new legislation that might be introduced. These resources may come in the form of standing legal resources and advice, and funds to take action as this is a significant barrier to action.

CONCLUSIONS & RECOMMENDATIONS

ADDRESS INSTITUTIONAL DISCRIMINATION AND INDUSTRY COMPLACENCY

Many diverse journalists and media workers expressed an overwhelming sense of resignation to discrimination, harassment and abuse online, as well as discrimination and indifference from their workplace as commonplace in the industry. This report demonstrates that the 'chin up' approach to online harassment and abuse is not working, and that indifference and inaction from media organisations and companies is driving diverse journalists and media workers from the industry. Treating diverse journalists and media workers as sensitive or problematic for being impacted by online harassment and abuse is a kind of institutional discrimination in and of itself. Additionally, lack of empathy as well as discrimination occurring in the workplace including racism, sexism and transphobia was noted by many participants. Foremost, employers need to act to ensure that they adequately comprehend the experiences of diverse journalists in their organisations. This is inhibited by entrenched ignorance and bias among managers, employers and colleagues who are capable of dismissing and discriminating against communities they are not part of and may hold limiting beliefs against. Our interview data shows that even where managers and employers believe themselves to be empathetic to others, they are unlikely to query their own world-views and assumptions. Hence, it is essential that workplaces in Australia do more to address systemic inequality and discrimination which includes training staff including management and board members to reflect on their own whiteness, maleness and other systemic privileges, and ensuring that management and leadership teams include members of diverse communities.

In summary we recommend:

- **Training for management and leadership** at media organisations and companies in understanding and navigating online harassment and abuse as experienced by journalists and media workers, including training in systemic components of abuse like racism, queerphobia and transphobia, and ableism.
- **Measurable commitments** from media organisations and companies to addressing inequality and discrimination in the workplace **in a way that is targeted** and goes beyond sensitivity or cultural awareness training.
- Measurable commitments from media organisations and companies to **diverse management and leadership**.
- **Support** from policymakers and other industry regulators to this end.

CONCLUSIONS & RECOMMENDATIONS

DESIGN AND IMPLEMENT INFRASTRUCTURE TO SUPPORT DIVERSE JOURNALISTS

Lastly, we would like to emphasise the cries from diverse journalists and media workers in this report for greater support from employers in navigating, surviving and recovering from online harassment and abuse. This involves being well-versed in the nature and impacts of online harassment and abuse against diverse journalists, and staying across and actively sharing ways that individual journalists and workers can be protected and better protect themselves from online harassment and abuse. Infrastructure to physically, emotionally, mentally, socially and professionally support diverse journalists is also necessary. This is particularly difficult given the trend towards freelance employment in the industry. Rather than putting this in the 'too hard basket' and turning away from this issue, media organisations, companies, policymakers and regulators need to dedicate resources and time to understanding how they can best support diverse journalists and media workers and improve conditions for workers in the industry overall. Where possible, employers can also design and implement infrastructure including positions and processes within their organisations dedicated to protecting and supporting journalists and workers who are experiencing online abuse.

In summary, we recommend:

- Media organisations and companies **dedicate time and resources** to staying across the nature and impacts of online harassment and abuse as well as legislation and other regulations and options to protect diverse journalists.
- And dedicate time and resources to ensuring **all staff are aware of and trained** in measures to protect themselves from online harassment and abuse.
- Employers work with diverse journalists to **design and implement infrastructure** including positions and processes within their organisations dedicated to protecting and supporting journalists and workers.
- Employers and regulators and policymakers work with diverse journalists and media workers to **improve conditions for workers** in the industry overall.

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Online Safety

mediadiversity

AUSTRALIA

OF DIVERSE JOURNALISTS

APPENDIX A

**FULL REPORT: POLICY REVIEW
AND BENCHMARKING**

APPENDIX A

Full Report: Policy review and benchmarking

This report is designed to review the legal, regulatory and self-regulatory landscape of the online safety of diverse journalists in Australia and to benchmark those policies against comparable Western democracies. It is important to highlight that it is limited to a review of publicly available documents. Policies that are not publicly available—such as internal corporate policies and complaints systems—are not featured. That would require a larger funded study and entail approaches to the respective media organisations and associated ethical clearances and follow-up interviews with the administrators and clients of the programs. It is recommended that further research involve such investigations. A key finding of a recent UNESCO research discussion paper on global trends in online violence against women journalists showed that:

Nearly half (47%) of the women survey respondents identified reporting or commentating on gender issues (e.g. feminism, male-on-female-violence, reproductive rights including abortion, transgender issues) as a top trigger for online attacks, highlighting the function of misogyny in online violence against women journalists (Posetti et al., 2021, p. 8).

This underscores the need for laws and policies particularly addressing the specific diverse categories of journalists in the focus of the overall study, or at least improving their access to broader laws. Seeing such targeted measures are largely lacking, this policy review defaults to other laws and regulations of online discrimination, vilification, bullying and harassment. It works from international level down to jurisdictional level (Commonwealth, state or territory) and then to industry level with brief annotations.

1. International laws, regulations and policies

Several international laws and instruments relate directly or indirectly to the diverse journalists that are the subject of this study: journalists living with disability, culturally and linguistically diverse (CALD) journalists, First Nations journalists and LGBTQI+ journalists. On citing the UNESCO commissioned report by Julie Posetti *et al.* (2021), the UN Secretary-General stated: “Other forms of discrimination, such as racism, homophobia and religious bigotry, intersect with sexism and misogyny, which leads to significantly higher rates of online violence against women journalists from minorities or marginalized communities” (UN General Assembly, 2021, p. 3). Furthermore, the report links to another finding of the study that shows that “women journalists identifying as Black, Indigenous, Jewish or Arab experienced the highest rates of online violence and suffered the most severe effects from it. In many cases, the perpetrators were unknown” (UN General Assembly, 2021, pp. 3-4). The UN Secretary-General (2021, p. 16) concluded: “National protection mechanisms should be equipped to cover the digital space and cater for the specific needs of women, minority and other categories of journalists”. It is such mechanisms catering for specific ‘other categories of journalists’ that this project addresses.

The UN Secretary-General encouraged nations, organisations and corporations to take steps to improve the online safety of journalists, including legislation and policies that create a “protective framework for journalists carrying out their work that includes an express recognition of the protection of online expression and protection from attacks aimed at silencing those exercising

their right to freedom of expression online or offline” (UN General Assembly, 2021, p. 17). Specific online harassment of journalists was also mentioned in the UN General Assembly in the 74th session Agenda item 70 (b): Promotion and protection of human rights (UN General Assembly, 2020).

Australia is a party to seven core international human rights treaties. The right to freedom of opinion and expression is enshrined in articles 19 and 20 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), in article 5 of the [Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#), and in article 21 of the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#). However, in relation to the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the journalists of diversity in this project, it should be noted that freedom of expression has two dimensions: it relates to their own freedom of expression as journalists, but also to the right of others to exercise their freedom of expression to disagree with them. This project is concerned with situations and recourse available to such journalists when others abuse that freedom to intimidate, threaten, bully and harass online, jeopardising their safety and putting pressure upon them not to exercise that very freedom of expression that others are using against them.

a. Human rights instruments and associated laws and treaties

Universal Declaration of Human Rights (United Nations, 1948): Under the leadership of Dr H.V. Evatt, Australia was one of just eight nations involved in the drafting of the landmark UDHR. Australia voted in favour of the Declaration, but it is not a binding treaty (Parliament of Australia, 2019, para 2.2). The Declaration speaks of the ‘inherent dignity’ of all people in its Preamble. Articles relevant to the types of diversity studied in this project include: Article 1: “All human beings are born free and equal in dignity and rights”; Article 2 entitled without “...distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”; Article 7 against any discrimination or incitement to discrimination; Article 12 prohibiting “...arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”; Article 18 guaranteeing “freedom of thought, conscience and religion”; Article 19 enshrining “...the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”; Article 27 establishing “...the right freely to participate in the cultural life of the community” (United Nations, 1948). Although it is not binding, the Declaration is certainly influential in Australian law, with it being referenced in 50 judgments by the High Court of Australia, most recently in *The Queen v A2; The Queen v Magennis; The Queen v Vaziri* (High Court of Australia, 2019).

International Covenant on Civil and Political Rights (UN Human Right Office, 1966): This is a multilateral treaty that commits states parties to respect the civil and political rights of individuals (UN Human Right Office, 1966). Relevant rights listed in the ICCPR to the diverse categories that are the subject of this study include: Article 1.1: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”; Article 2: “...without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”; Article 17: “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.”; Article

18: “Everyone shall have the right to freedom of thought, conscience and religion.”; Article 19: “Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”; Article 20(2): 2. “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” (UN Human Right Office, 1966). Australia has declared existing Commonwealth and state legislation is regarded as adequate in relation to Article 20, and reserved the right not to legislate further on those matters. (Australian Government Attorney-General’s Department, 2022). Article 26: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law (UN Human Right Office, 1966). In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UN Human Right Office, 1966). Despite signing the ICCPR in 1972 and ratifying it in 1980, Australia has never adopted it in full into domestic law (Parliament of Australia, 2019, para 2.4). Nevertheless, it is more influential than the Declaration, having been referenced in 141 High Court cases since 1978, the most recent being in *Plaintiff M1-2021 v Minister for Home Affairs* (High Court of Australia, 2022, para 13 and 16).

Convention on the Elimination of all Forms of Racial Discrimination (UN Human Right Office, 1965): Article 4(a) of CERD Convention on the Elimination of all Forms of Racial Discrimination (UN Human Right Office, 1965). According to the Attorney-General’s Public Sector Guidance sheets, the Convention “...requires countries to criminalise all dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any racial or ethnic groups” (Australian Government, Attorney-General’s Department, 2022). This Convention is cited in the preamble of Australia’s *Racial Discrimination Act 1975* as its motivation with its commencement date linked to the Convention at s.2 (Australian Government, 2014). That origin was cited by the High Court in *Maloney v The Queen* (Australian Human Rights Commission, 2013). That was one of 20 High Court decisions referencing the Convention between 1982 and 2019, including landmark cases including the two Mabo cases (High Court of Australia 1989, 1992) and the Tasmanian Dam case of 1983 (High Court of Australia, 1983). As the guidance sheets noted, on becoming a party to CERD in 1975, Australia made a reservation in relation to Article 4(a) that it was not then in a position to criminalise all the matters covered in the article. The reservation has not been withdrawn. During Australia’s Universal Periodic Review in 2011, the Australian Government committed to establishing a systematic process for the regular review of Australia’s reservations to international human rights treaties. Article 4(b) of CERD requires the criminalisation of participation in organisations which promote and incite racial discrimination (Australian Government Attorney-General’s Department, 2022).

Convention on the Rights of Persons with Disabilities (CRPD) (UN Department of Economic and Social Affairs, 2006): The CRPD entered into force generally in 2008 and was ratified by Australia in the same year. It recognises in its preamble (h) that “... discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person” and—central to this project—expresses concern at Preamble (p) “ about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status”, and at Article 6 the fact that women with

disabilities face multiple discrimination. Relevant to online discrimination and harassment are Article 21 related to freedom of expression and opinion and access to information, and Article 22 on respect for privacy. Note that Article 22 states:

No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence *or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks* (UN Department of Economic and Social Affairs, 2006, article 22, italics added).

The CRPD does not seem to have had as strong an influence on Australian jurisprudence, having been mentioned only in a single High Court judgement since its inception, and then only with reference to Malaysia being a party to it (High Court of Australia, 2011).

Online safety of journalists at UN level

There has been considerable activity in the UN and associated international governance bodies on the issue of online safety of journalists in recent years (eSafety Commissioner 2020a, 2020b; European Commission, 2021; UNESCO, 2021). The UN Consultation outcome document on the Plan of Action on the Safety of Journalists and the Issue of Impunity listed several options for policy actions by member states in the online space, including in A/76/285 and (A/76/285) (UN Human Rights Office, 2017). The Human Rights Council adopted two resolutions on the safety of journalists, namely resolutions 39/6 and 45/18. In resolution 45/18 in 2020, the Council emphasized the particular risks to the safety of journalists in the digital age, with most of their focus being on state-sponsored intimidation and surveillance, although they included calls to shore up the online safety of journalists by better investigating and prosecuting cyber-attacks and online violence, particularly against women (UN Human Rights Council, 2020).

Various committees, some of which dealt with the types of diverse journalists that are the subject of this study, recognised the issue of online safety of journalists. They included the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, and the Committee on the Rights of Persons with Disabilities (United Nations General Assembly, 2021, para. 36). The Office of the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe launched *Safety of Female Journalists Online: A #SOFJO Resource Guide* on November 2, 2020, to mark the International Day to End Impunity for Crimes against Journalists (Organisation for Security and Co-operation in Europe, n.d.). The European Commission launched a proposed recommendation to outline a focused approach to ensure the safety of journalists. The Commission also launched a proposal known as the Digital Services Act (European Parliament, 2022). The 2021 Report of the Secretary General outlined several measures that could be taken to improve the online safety of journalists (UN Human Rights Office, 2021, para 53 and 58). These included the need for nations to express clear commitments to journalists' online safety (UN Human Rights Office, 2021, para 53). Importantly for diverse journalists, they recommended (UN Human Rights Office, 2021, para 57): "Protection mechanisms must fully integrate the online space into their strategies and address the specific needs of people of different risk profiles."

Accountability was a priority (UN Human Rights Office, 2021, para 59): “Ensuring accountability for human rights violations against journalists online and offline is essential to expose such violations, bring redress to the victims and prevent future violations. Alleged violations must be investigated promptly, effectively, impartially, thoroughly and transparently, and those responsible must be held accountable. Law enforcement personnel and the judiciary should be trained in the particularities of online threats against and harassment of journalists, with particular attention paid to women journalists; they should also be trained in ways to effectively address such attacks.” Remedies should be “gender-sensitive, accessible and effective” and “National protection mechanisms should be equipped to cover the digital space and cater for the specific needs of women, minority and other categories of journalists.” (UN Human Rights Office, 2021, para 60).

The UN Secretary-General reported that in July 2019, at the Global Conference for Media Freedom, the Media Freedom Coalition was formed (UN Secretary-General, 2021, p. 8). The Coalition is a partnership of States working together to advocate for media freedom online and offline, and the safety of journalists. At that point, 49 member states had signed the global pledge on media freedom—a written commitment to improve media freedom at the national level and work together at the international level. It also reported on the World Press Freedom Conference 2020 where more than 50 ministers signed The Hague commitment to increase the safety of journalists, which included a commitment to launch independent investigations and prosecutions of all forms of online and offline crimes against journalists.

Impact of treaties on Australia’s policies related to diverse journalists

While Australia is signatory to the above human rights instruments, and they might inform judicial reasoning, they are not binding unless incorporated into specific Australian legislation, such as the *Racial Discrimination Act 1975* (Australian Government, 1975). As former Chief Justice Robert French stated, “Legislation is necessary to render international obligations enforceable in the courts” (CJ. French, 2009, p. 26). However, international treaties can inform the courts’ legislative and constitutional interpretations. For example, Australia is a party to the *International Convention on the Elimination of all Forms of Racial Discrimination* (United Nations, 1969) which entered into force in 1969. In the Preamble to the *Racial Discrimination Act 1975*, the Commonwealth Parliament invoked the Convention and its powers to make laws on external affairs under s 51 (xxix) of the Constitution. A majority of the High Court held against Queensland in holding the Act valid because it was an exercise of those constitutional external affairs powers (*Koowarta v Bjelke-Petersen* (1982) 153 CLR 168 at 220) (High Court of Australia, 1982). State laws inconsistent with it were also found to be invalid in *Mabo v Queensland 1988* case (High Court of Australia, 1988).

Significance of freedom of opinion and expression

Specific guidelines for public servants advise them they must consider the right to freedom of opinion and expression when developing legislation, policies and programs that (Australian Government Attorney-General’s Department, n.d., para 3):

- regulate the content of any speech, publication, broadcast, display or promotion
- regulate the format or manner of any form of expression (for example requires prior approval for public protest or places restrictions on the uses of places in which protest activity may take place)
- restrict or censor media coverage, including in relation to political matters
- require material to be approved before it may be published
- attach criminal or civil liability to the publication of opinions or information

- regulate or restrict access to information, including on the internet
- impose censorship or provide for classification of entertainment content, or
- regulate commercial expression (such as advertising).

This policy requirement stands to limit the extent to which legislation can emanate from the above treaties unless they specifically suggest limitations on free expression to combat offensive or hateful speech. For example, Article 20 of the ICCPR features mandatory limitations on free expression, requiring the outlawing of vilification on national, racial or religious grounds. Note, however, that Australia's *Racial Discrimination Act* does not outlaw religious discrimination.

In a case which involved a complaint about a Canadian law prohibiting denial of the holocaust, the UN Human Rights Committee stated that Canadian actions against a teacher publishing antisemitic pamphlets were a reasonable imposition on freedom of expression (UN Human Rights Committee, 2000). This indicates national legislation and policies designed to counter online hate speech against the types of diverse journalists targeted in this study can be compatible with human rights free expression instruments. Reinforcing this view have been the UN Secretary-General's reports on 'Safety of journalists and the issue of impunity', including 2014 A/69/268 (UN Secretary-General), 2015 A/HRC/30/68 (UN Sustainable Development Goals, 2015), and 2017 A/72/290 (UN General Assembly, 2015) respectively.

b. International NGOs – codes and reports etc.

There has been considerable activity on the issue of online safety of journalists at the level of international organisations, including research, guidelines and advice to journalists who have been targeted, particularly females. Again, there is passing reference to journalists of the types mentioned in our project facing special abuse (particularly if they are also female), although there do not appear to be particular guidelines or recommended courses of action for journalists of the diversity categories under study beyond the ethical and self-regulatory restrictions applied to other journalists who might be the source of the online violence.

1. International organisational avenues for complaint

National and international journalists' associations, organisations and unions typically operate a code of ethics for members, sometimes with associated disciplinary procedures for member breaches.

International Federation of Journalists (IFJ): Most incidents of online violence and abuse against diverse journalists are invariably not from other journalists, although if they directed or facilitated such behaviour then it would be in breach of most ethical codes on either discrimination or hate speech grounds. Clause 9 of the International Federation of Journalists' Charter of Ethics speaks directly to such behaviour against diverse groups such as those focussed upon in this project. It states:

9. Journalists shall ensure that the dissemination of information or opinion does not contribute to hatred or prejudice and shall do their utmost to avoid facilitating the spread of discrimination on grounds such as geographical, social or ethnic origin, race, gender, sexual orientation, language, religion, disability, political and other opinions (International Federation of Journalists, 2019).

Further advice on hate speech was featured in the IFJ Digital Ethics Report:

HATE SPEECH. Your words and images can easily be weaponised, and your credibility co-opted. Avoid characterising sources or subjects by demographic attributes. Generalisations can contribute to stereotyping. Stick to reporting an individuals' words or actions See also: Point 9 of the IFJ Global Charter (International Federation of Journalists, 2020, p. 7).

However, no disciplinary action for breaches of the Charter are mentioned publicly on the IFJ's website, likely because membership of the IFJ is open only to journalists' unions rather than to individual journalists, so the Charter and the advice are only offered as guidance and it is left to the national union bodies to police the unethical behaviour of their individual journalists' actions (International Federation of Journalists, 2022).

Media Defence: Media Defence is an international human rights organization that provides legal help to journalists and independent media around the world. Their lawyers can provide support for journalists—including citizen journalists, bloggers, broadcasters, photojournalists, cartoonists or fact-checkers—and news outlets when they are confronted with legal action as a result of their reporting. They claim to provide legal support for online threats, doxxing, stolen images, deep fakes, blackmail linked to images, discreditation and reputation damage, account takeovers, fake accounts, hacking and surveillance (“Apply for case support”, n.d.).

Reporters Without Borders (RSF): Diverse journalists can report online abuse to an NGO which might choose to take up their cause and apply pressure to state actors and/or multinational platforms. That happened with Muslim journalist Rana Ayyab whose cause was taken up by RSF with the Indian government after Hindu nationalist supporters of the prime minister were trolling her and there had been no action from the prime minister: (Reporters Without Borders, 2018). She was prevented from flying to Europe to deliver an address on intimidation of journalists after numerous online attacks against her—including rape threats—by members of right-wing Hindu groups for her book and other writing, predominantly on the persecution of Muslims (Hassan, 2022). Such NGO interventions seem more likely when there is active State involvement, association with, or inaction over the harassment.

Trollbusters: Sometimes diverse journalists have taken matters into their own hands and created their own NGO to address the issue. For example, Trollbusters' founder Michelle Ferrier explained that online abuse of her as an African-American woman prompted her to start the information, education and abuse reporting site. (Committee to Protect Journalists, 2016). The resources offered by TrollBusters include a step-by-step flow chart explaining what to do when harassed (Trollbusters, n.d.).

ii. International organisations—education and guidelines

Numerous international organisations have developed guidelines, resources and referral points for journalists of all types facing online safety issues, including those of diverse backgrounds. Examples include:

Totem: [Free Press Unlimited](#) and [Greenhost](#) developed [Totem](#), an online platform for journalists and activists to learn more about digital safety and privacy tools, including how to apply tools and tactics for digital safety and privacy in their work (The Communication Initiative Network, 2022).

Committee to Protect Journalists (CPJ): The US-based Committee to Protect Journalists has developed a series of digital safety resources and advice, including *Digital Safety: Protecting against targeted online attacks* (Committee to Protect Journalists, 2020); *Digital Safety: Remove personal data from the Internet* (Committee to Protect Journalists, 2019); and *Digital Safety: Protecting against online harassment* (Committee to Protect Journalists, 2018).

Coalition Against Online Violence: Numerous international media organisations have joined to create its [Online Violence Response Hub](#)—a resource centre predominantly aimed at female journalists facing online abuse.

c. Platform complaints systems

In 2021 the United Nations General Assembly called upon social media platforms to respect the human rights of journalists, declaring they “should seek to prevent or mitigate any adverse impact on human rights directly linked to their operations, products or services” (UN General Assembly, 2021 para 61). The UN Consultation outcome document on the Plan of Action on the Safety of Journalists and the Issue of Impunity (2017) listed several options for policy actions by member states in the online space, including options for Internet companies (UN Human Rights Office, 2017, para 24). It demanded they:

Elaborate more consistent and increased engagement with UN Plan stakeholders across a range of areas, such as support, training, research, advocacy, transparency and awareness raising, and develop monitoring systems with regard to specific online threats (UN Human Rights Office, 2017, p. 9).

It called upon them specifically to (UN Human Rights Office, 2017, pp. 9-10):

- i. Recognise, through public statements and internal policy, the risk to society and to their own business models, of online attacks directed against journalists, including hacking, Distributed Denial of Service (DDOS) attacks on websites, cyberbullying, trolling, doxxing and illegal surveillance,
- ii. Recognise and monitor the specific situation of threats to and attacks against women journalists on their platforms and services, and develop effective mechanisms to respond to harassment and attacks online while ensuring compliance with international standards for legitimate limitations on freedom of expression,
- iii. Designate senior staffers as focal points to liaise on safety issues with and the other stakeholders in the UN Plan,
- iv. Coordinate better with news media organisations to identify effective technical measures and standard operating procedures that can provide solutions to emergency as well as medium-term challenges.

Social media platform complaint mechanisms are too numerous and varied to detail here. However, the eSafety Commissioner's eSafety Guide has links to many reporting mechanisms for social media platforms (eSafety Commissioner, n.d.). The site details how to report harmful content for each platform. The usual limits of the platform's powers are the removal of the offending material and the person committing the harassment being banned or suspended. The 2021 UNESCO report found that the social media platform most used by international survey respondents was Facebook (77%), followed by Twitter (74%), WhatsApp (57%), YouTube (49%) and Instagram (46%) (Posetti et al., 2021, p. 21). They noted:

But it was also disproportionately identified as the platform to which respondents most frequently reported online attacks (39%), with Twitter attracting complaints at the rate of 26%. However, considering the role of Facebook and Twitter as major vectors of online attacks against women journalists, the fact that just over a third of respondents had formally reported the problem to Facebook, and around a quarter to Twitter, probably reflects both a sense of futility frequently associated with such efforts, and the general reluctance of the women surveyed to escalate these issues externally (Posetti et al., 2021, p. 12).

Focus on Meta: Frustrations with complaints systems offered by the major platforms abound, particularly with regard to Facebook and its parent company Meta. Award-winning Philippines journalist Maria Ressa expressed her frustration with FB processes:

For years, Ressa says she has begged Facebook to take urgent action on the chilling threats of violence against her, and her mostly female staff, designed to stop critical reporting of the Duterte government. But according to Ressa, Facebook consistently said her status as a public figure, and the company's free speech policy, prevented them from doing so in the vast bulk of cases she presented. Instead, Ressa said they told her to block, report and delete the comments -- putting the onus on the targets, not the perpetrators (Posetti, 2020, para 18).

The [Facebook Community Standards](#) outline what is and is not allowed on Facebook. The [Instagram Community Guidelines](#) detail the Instagram limitations. Meta's Transparency Center details its policies on Hate Speech, many of which relate to the diverse journalists that are the subject of this study. Its policies and enforcement details on Bullying and Harassment are listed separately (Meta Transparency Center, n.d.).

Meta defines "hate speech" as:

[A] direct attack against people—rather than concepts or institutions—on the basis of what we call protected characteristics: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease. We define attacks as violent or dehumanising speech, harmful stereotypes, statements of inferiority, expressions of contempt, disgust or dismissal, cursing and calls for exclusion or segregation (Meta Transparency Center, n.d., para 2).

Some of these apply directly to the types of diversity that are the subject of this study. Meta divides hate speech into three tiers, with Tier 1 including Content targeting a person or group of people on the basis of 'protected characteristics'. Its examples of offensive speech at Tier 1 are graphic and risk offending some simply by being cited as examples. They include (of most relevance to this study) (Meta Transparency Center, n.d., para 4):

Designated dehumanising comparisons, generalisations or behavioural statements (in written or visual form) that include:

- Black people and apes or ape-like creatures.
- Caricatures of Black people in the form of blackface...
- Jewish people and rats...
- Transgender or non-binary people referred to as "it".

Tier 2 hate speech focuses again on the 'protected characteristics', with particular emphasis on statements of inferiority, with those applying the diverse journalist groups in this study including generalisations of physical, mental or moral deficiencies, other statements of inferiority, and expressions of contempt that might be homophobic or racist, or curses related to sexual behaviour or body parts. (Meta Transparency Center, n.d.). Tier 3 hate speech typically calls for segregation or exclusion on the basis of the protected characteristic.

The difficulties of defining and policing hate speech were articulated by Richard Allan, VP EMEA Public Policy, at Meta (Allan, 2017). Hate speech content actioned by Facebook appears to have been in decline since a high of 31.5 million pieces in April – June 2021 down to 15.1 million in January-March 2022 (Meta Transparency Center, 2022). It claims most of its hate speech actions are automated, with just 4.4 per cent in 2022 reported by users, and 95.6 per cent found and flagged by Facebook in pre-emptive action (Meta Transparency Center, 2022). Meta claims more than 15,000 reviewers worldwide review potential violations on Facebook and Instagram, reviewing content in more than 50 languages (Meta Transparency Center, n.d.) Its disciplinary actions against users include taking down violating content (Meta Transparency Center, 2022a), counting strikes (Meta Transparency Center, 2022b), restricting accounts (Meta Transparency Center, 2022f), disabling accounts (Meta Transparency Center, 2022d), removing pages and groups (Meta Transparency Center, 2022e). Meta's Oversight Board is its overarching self-regulatory governing body, established in 2020 with 20 members appointed, since expanded to 40 (Meta Transparency Center, 2022c). The Oversight Board members are from diverse backgrounds and nationalities, with strong representation of journalism, technology, human rights and law academics and NGO heads (Oversight Board, n.d.). It only chooses to hear a handful of appeals from Meta's standard decision-making processes each year—at June 22, 2022 it had only published 26 decisions overall (Oversight Board, 2022), at least 15 of which related to hate speech, discrimination, violence and incitement or marginalised communities.

Meta Diversity Oversight Board case in focus: A 2022 Oversight Board decision involved a combination of freedom of expression, hate speech, LGBT, marginalised communities and sex/gender equality in the context of an Instagram post that had been removed by Meta for violating its hate speech policy. The Instagram carousel of 10 images within a single post showed pictures of Arabic words that can be used in a derogatory way towards men with "effeminate mannerisms". According to the poster, the intent was "to reclaim [the] power of such hurtful terms". The Oversight Board adjudication followed Meta's initial removal of the material, its reinstatement after the poster's objection, its second removal after a further complaint, then restoration after a further Meta internal review. In its decision, the Oversight Board found that removing the content to be an error out of line with Meta's Hate Speech Policy. "While the post does contain slur terms, the content is covered by an exception for speech "used self-referentially or in an empowering way", as well as an exception which allows the quoting of hate speech to "condemn it or raise awareness", the decision stated (Oversight Board, 2022, para 4). It continued:

For LGBTIQ+ people in countries that penalise their expression, social media is often one of the only means to express themselves freely. The over-moderation of speech by users from persecuted minority groups is a serious threat to their freedom of expression. As such, the Board is concerned that Meta is not consistently applying exemptions in the Hate Speech Policy to expression from marginalised groups (Oversight Board, 2022, para 5).

The Board recommended several policy changes to the creation, translation, enforcement and auditing of its market-specific slur lists (Oversight Board, 2022).

d. International recommendations on employer complaints policies and practices:

The UN Consultation outcome document on the Plan of Action on the Safety of Journalists and the Issue of Impunity listed several options for policy actions by industry (UN Human Rights Office, 2017, pp. 8-9):

“3.3 Options for media actors: 20. Instill a greater culture of safety of journalists, taking into account the specific attacks on women journalists, among media owners and news managers, including on the basis of their duty to protect their staff and to recognize particular threats to women journalists, 21. Establish effective newsroom safety protocols that include procedures for promptly and effectively addressing any attacks and providing for legal support and assistance to the victims 22. Improve digital safety and develop strategies to address online violence and harassment of journalists, particularly women journalists, including through cooperation with internet companies, so as to obtain immediate responses to threats made on these platforms, 23. Pool efforts by developing industry-wide co-operation and campaigns, and take a full part in coalitions for journalists’ safety, 24. Strongly and publicly counter all forms of discrimination against journalists, such as those based on race, colour, sex, language, religion, political or other opinion, national or social origin, property or birth, or gender, sexual orientation, or other status; encourage and enhance a policy of gender equality inside media institutions, and counter social, cultural and other obstacles to equality between male and female journalists. In particular: i. Ensure updated and internally well-publicized newsroom safety policies and protocols, and designated focal points, for the protection of journalists, including freelancers and associated media personnel, and ensure that the physical, psychological and digital dimensions of safety are covered, ii. Train journalists to ensure they have comprehensive knowledge and understanding of their rights, as well as the competencies to mitigate risks and deal with threats, particularly in environments where journalists have been previously killed and where impunity is rife, iii. Increase awareness within the profession as to how the media industry can better utilise existing laws and policy (e.g. official channels to make complaints and lay charges, freedom of information requests, etc.) to enhance the safe practice of journalism, iv. Develop reporting systems for threats and attacks against journalists, including protocols for involving the police, taking into account gender-specific threats and violence, and increase real-time exchange of alerts between focal points in different newsrooms and in coordination with civil society as appropriate, v. Encourage media owners to provide training on safety issues as well as for tailored insurance and social protection cover, vi. Strengthen collaboration with media associations/unions and humanitarian organisations on the safety of journalists, vii. Expand media coverage of attacks against journalists, including by publishing front page stories, including but not limited to coverage on 3 May, World Press Freedom Day, and 2 November, the International Day to End Impunity for Crimes Against Journalists; develop professional training on how follow-up reportage of attacks with a view to informing the public about the impunity issue; and improve public engagement by explaining the overall public interest in ending attacks against journalists, viii. Support and initiate litigation that helps to ensure that governments give appropriate attention to protecting journalists and undertakes investigations and, where required, prosecutions of all those allegedly responsible for attacks against journalists, ix. Consider conducting independent investigations into attacks against journalists especially whenever state institutions fail to do so; and co-operate in order to complete investigative stories left unfinished by the killing of a journalist, or otherwise rendering him or her unable to complete the story, x. Bridge gaps with civil society media support groups, and take up their offers of training, such as on first aid and digital defence; and communicate that safety measures are more effective

and stand a better chance of being implemented when elaborated by and/or in cooperation with news media institutions, xi. Increase awareness of emergency mechanisms, such as the ICRC’s hotline for journalists on dangerous assignments, the Press SOS hotline of Reporters without Borders and the press freedom hotline of the Committee to Protect Journalists, xii. Strengthen networks of safety officers in news media institutions, and replicate these, as appropriate, in regions where these do not exist.”

2. Australian laws, regulations and policies

This section covers laws, regulations and policies relating to the online safety of diverse journalists. Although no existing laws, regulations or policies specifically address the online safety of the types of diverse journalists targeted by this study, several relate to the online safety of the general population or to discrimination or vilification (not necessarily online) against the diversity types addressed in this project.

2a. Commonwealth

At the Commonwealth level, a combination of laws, court decisions and regulations are available as recourse to members of the diverse types of journalists who are the focus of this study, though none address them specifically.

i. Legislation

Legislation at the Commonwealth level was well summarised by the Senate Standing Committee on Legal and Constitutional Affairs in its 2018 inquiry into the ‘Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying’ (Parliament of Australia, 2018). The Committee did not recommend new legislation but recommended increased penalties for the criminal offence usually used to prosecute cyberbullying, better coordination between the states and the Commonwealth, further regulatory pressure on platforms to detect and respond to cyberbullying, and consideration of further powers for the eSafety Commissioner (including expanding the cyberbullying complaints scheme to include complaints by adults) (Parliament of Australia, 2018, pp. vii-viii).

1. **Crimes:** Under the *Criminal Code Act 1995* (Commonwealth) certain offences have been used to prosecute individuals who undertake cyberbullying or compromise the online safety of others. These include:

- section 474.14 (using a telecommunications network with intention to commit a serious offence);
- section 474.15 (using a carriage service to make a threat);
- section 474.16 (using a carriage service for a hoax threat);
- section 474.17 (using a carriage service to menace, harass or cause offence); and
- section 474.29A (using a carriage service for suicide related material).

As explained in the Cyberbullying Inquiry (Parliament of Australia, 2018, para 3.10) report, the most notable of these is Section 474.17 is the most notable of these, “using a carriage service to menace, harass or cause offence”. It carried a maximum penalty of three years’ imprisonment, which was increased to five years on the recommendation of that inquiry. Subsection 474.17(1) states:

474.17 Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

The Attorney-General's Department explained to the Cyberbullying Inquiry (Parliament of Australia, 2018, para 3.11) that '...the prosecution would not have to prove that the accused intended to menace, harass or cause offence.' However, the offender must '...have been reckless as to whether they were using a carriage service in a way that the "reasonable person" would regard, in all the circumstances, as menacing, harassing or offensive.' On the meaning of 'menace, harass, or cause offence', the Attorney-General's Department told the Inquiry (Parliament of Australia, 2018, para 3.12):

Section 474.17 does not further define what constitutes menacing, harassing or offensive conduct. This enables community standards and common sense to be imported into a decision on whether the conduct is in fact menacing, harassing or offensive. However, section 474.17 was constructed to ensure the use of a carriage service by a person can be menacing, harassing or offensive to the reasonable person because of the way the carriage service has been used or the *content* of the communication, or both.

The Inquiry quoted data from the Commonwealth Director of Public Prosecutions, stating there had been 927 charges against 458 defendants found proven under section 474.17 between its introduction in 2004 and 2018. The Attorney-General's Department stated that it was not possible to specify how many of these cases relate to cyberbullying, but '...numerous instances...' of cyberbullying have been prosecuted under section 474.17. In addition, these figures did not include prosecutions conducted by state or territory authorities which are also able to prosecute Commonwealth Criminal Code offences (Parliament of Australia, 2018, para 3.15).

2. **Racial Discrimination Act**—The *Racial Discrimination Act 1975* s18c makes it unlawful to do an act reasonably likely to offend, insult, humiliate or intimidate another person or group if the act is done because of the race, colour or national or ethnic origin of the person or group. This legislation has been used successfully to seek redress over offensive racial commentary in newspapers and online articles in *Eatock v Bolt* (28 September 2011); [2011] FCA 1103 (28 September 2011) (Bromberg J); 197 FCR 261; 283 ALR 505—and unsuccessfully over allegations of offensive racial social media comments in *Prior v Queensland University of Technology & Ors (No 2)* [2016] FCCA 2853 (Australian Government, 2014). Potential for diverse journalists to use this avenue when online harassment, discrimination or bullying relates to their race, colour or national or ethnic origin. The Federal Court found in 2012 when that the Perth Now news website was responsible for the racially discriminatory comments it allowed to be posted to its site by readers about four Aboriginal youths who died in an accident in a car they had stolen, and ordered it to pay \$12,000 to their mother (Federal Court of Australia, 2012).
3. **Social Media Anti-trolling Bill**—The Morrison Government's Social Media Anti-trolling Bill appeared in title to offer hope to those being targeted by hate speech, but in fact was designed to provide immunity to the owners of corporate social media pages from liability for the comments by third parties on their sites (Australian Government Attorney-General's Department, n.d.; Parliament of Australia, 2022). This followed the High Court's decision in the *Fairfax Media Publications Pty Ltd v Voller; Nationwide News Pty Limited v Voller*;

Australian News Channel Pty Ltd v Voller [2021] (see below) that such corporate hosts could be held responsible for the comments of others on their sites (High Court of Australia, 2021). The Bill proposed the transfer of responsibility to the social media platforms for such offending comments and proposed requirements on the platforms to provide details of the account holders who made such comments. The Bill lapsed at the dissolution of the Parliament on April 11, 2022.

4. **Online Safety Act:** *The Online Safety Act 2021* commenced on 23 January 2022. It delivered new and strengthened schemes to keep Australians safe online, including mechanisms to remove seriously abusive and harmful content. The new laws empower eSafety to require the removal of the worst online content accessible to end-users in Australia, regardless of where it is hosted. It also introduces new measures to protect Australian adults from serious abuse online and strengthen the cyberbullying protections for Australian children. Under the laws, online platforms and individuals will have to take down harmful and illegal content within 24 hours of eSafety issuing a removal notice to the hosting service provider or face fines. The worst material, defined in the Online Safety Act as 'class 1 material', must be removed regardless of where it is hosted, while in other circumstances it must be removed if at least one of the individuals involved is ordinarily resident in Australia.

A set of Basic Online Safety Expectations (BOSE) put the onus on platforms to take responsibility for protecting Australians against online abuse. This provides the Commissioner with the power to issue periodic or non-periodic reporting requirements to ensure compliance with the BOSE, meaning the Commissioner can require the provider of a social media service, relevant electronic service or designated internet service to provide reports about their compliance with the applicable basic online safety expectations to ensure transparency and accountability. The laws also strengthen eSafety's investigative and data gathering powers to reveal the basic subscriber information of accounts and can be used to help identify people that post or distribute seriously harmful content. Complaints can be directed to <https://www.esafety.gov.au/report>. Diverse journalists can report Adult Cyber Abuse of the most serious nature to eSafety for investigation. eSafety can take action if the service or platform has not removed the content within 48 hours of a complaint being made. The threshold for investigation requires it to be "... severely abusive online content that was sent, posted or shared with the likely intention of harming the person targeted, and the content must be menacing, harassing or offensive" (eSafety Commissioner, n.d.). Under the Act, possible outcomes include financial penalties for services or platforms that don't remove content, financial penalties for the person responsible if they don't remove the content, further legal action. Under Section 91 of the Act, failure to comply with a removal notice can incur a maximum fine of 500 units (\$111,000 at June 2022).

The Following Section is provided by eSafety:

An existing safety and reporting mechanism that can be a source of support and protection for journalists and media workers is the eSafety Commissioner (eSafety). eSafety assists Australians to deal with harm caused by serious online abuse or illegal and restricted content. Under the Online Safety Act 2021 (Cth) ("OSA") eSafety administers complaint and reporting schemes that allow Australians to directly report to eSafety the cyberbullying of an Australian child, serious online abuse of an Australian adult, image-based abuse and illegal and restricted content such as child sexual abuse material or acts of terrorism). The eSafety

Commissioner has powers conferred by the OSA to investigate these complaints and require removal of material that fulfils the criteria stipulated by the OSA.

The OSA created a world-first adult cyber-abuse scheme to address serious online abuse for Australians 18 years and older. Serious online abuse is when the internet is used to send, post or share content that is likely intended to physically or mentally harm the person targeted. For eSafety to investigate a complaint, the harmful material must meet the legal definition of 'adult cyber-abuse', i.e. the following two requirements:

- a) an ordinary reasonable person would conclude that it is likely that the material was intended to have an effect of causing serious harm to a particular Australian adult; and
- b) an ordinary reasonable person in the position of the Australian adult would regard the material as being, in all the circumstances, menacing, harassing or offensive.

The material can include posts, comments, emails, messages, chats, livestreams, memes, images and videos. Individuals should report the material to the relevant online service provider, collect evidence such as screenshots, usernames and URL's and then report the material to eSafety. If the platform does not remove the reported content within 48 hours of the complaint being made, eSafety can issue a removal notice requiring the service provider to remove the material within 24 hours. eSafety has enforcement and penalty mechanisms available for non-compliance.

Notably, the second requirement allows eSafety to consider how an ordinary reasonable person in the position of the Australian adult would regard the material. eSafety can therefore consider intersectional factors that apply to a particular Australian adult when determining whether material is menacing, harassing or offensive. This includes whether a person has been targeted due to their cultural background, sexual orientation, gender, disability, mental health condition or family or domestic violence situation or a combination of these factors. Diverse journalists and media workers can utilise the complaint mechanisms that eSafety administers under the OSA to report seriously harmful adult cyber-abuse.

5. **Sex Discrimination Act:** The Sex Discrimination Act 1984 (SDA) makes it unlawful to discriminate against a person because of their sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, because they are pregnant or might become pregnant or because they are breastfeeding. This can include online discrimination such as sexual harassment over social media platforms. Complaints are made to the Australian Human Rights Commission. There are limited circumstances in which they can hear a complaint, but these can include work-related harassment or harassment that suggests an unsafe work environment, potentially offering opportunities to diverse journalists with regard to sexual harassment in communications relating to their work. A claim could be brought against an employer or a harasser (Gender Equity Victoria, 2021, pp. 8-9).
6. **Fair Work Act 2009:** The Fair Work Commission can also hear allegations of bullying or sexual harassment in a work context, under s. 789FD (Fair Work Commission, 2009, section 789FD):

789FD When is a worker *bullied at work* or *sexually harassed at work*?

(1) A worker is **bullied at work** if:

- (a) while the worker is at work in a constitutionally covered business:

(i) an individual; or
(ii) a group of individuals;
repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; and

(b) that behaviour creates a risk to health and safety.

(2) To avoid doubt, subsection (1) does not apply to reasonable management action carried out in a reasonable manner.

(2A) A worker is **sexually harassed at work** if, while the worker is at work in a constitutionally covered business, one or more individuals sexually harasses the worker.

(3) If a person conducts a business or undertaking (within the meaning of the *Work Health and Safety Act 2011*) and either:

(a) the person is:

- (i) a constitutional corporation; or
- (ii) the Commonwealth; or
- (iii) a Commonwealth authority; or
- (iv) a body corporate incorporated in a Territory; or

(b) the business or undertaking is conducted principally in a Territory or Commonwealth place;

then the business or undertaking is a **constitutionally covered business**.

VII. **Law reform—combined approach:** The Australian Women Against Violence Alliance argued at the Cyberbullying Inquiry that “...people with disability, Aboriginal and Torres Strait Islander people and people who identify as LGBTIQ are particularly vulnerable to technology-facilitated abuse” (Parliament of Australia, 2018, para 3.30). It recommended that: “...in pursuing law reform, jurisdictions consider how criminal penalties can work together with antidiscrimination laws to treat cyberbullying on the grounds of sexuality, culture, race, gender, disability and religion as particularly serious offences” (Parliament of Australia, 2018, para 3.30). This suggestion is particularly relevant to diverse journalists who fall within those categories. Of course, the balance of non-discrimination against freedom of expression is particularly poignant for journalists who wish to exercise the latter but not have it abused by those discriminating against them via online abuse.

ii. Judicial interpretations and cases.

a. *Constitutional implied freedom to communicate on matters of politics and government:* Australia has no written constitutional protection of freedom of expression and, unlike Western democracies, no national bill of rights enshrining that freedom amongst other rights. However, in a series of cases from 1992 the High Court has found there is an implied freedom to communicate on matters of politics and government, derived chiefly from sections 7 and 24 of the *Constitution*. The decisions have, however, allowed for that freedom to be impinged upon by reasonably appropriate laws. For example, in the case of *Wotton v Queensland* (2012), indigenous parolee Lex Wotton (who had been convicted of rioting on Palm Island following the death of Mr Mulrunji Doomadgee, in police custody) wished to make comments in the media. However, schedule 4 of the *Corrective Services Act 2006* (Qld) (‘CSA’) defined Mr Wotton as a prisoner and the conditions of parole limited his right to attend public meetings and be paid for media appearances (Queensland Consolidated Acts, 2006). He appealed to the High Court, claiming the conditions were an unreasonable infringement of his implied freedom to communicate on matters of politics and government. The High Court majority disagreed, finding the legislation was a burden of the freedom to communicate on matters of government or politics but were “nevertheless each

reasonably appropriate and adapted to serve a legitimate end in a manner compatible with the maintenance of the constitutionally prescribed system of government". While on the face of it this appears to the disadvantage of diverse journalists, in the context of their online safety the principle allows for the passing of laws on cyberbullying and online harassment that might limit the free political expression of others if such laws are appropriately formulated and represent a reasonable brake on such expression.

b. *High Court Voller decision on host liability in defamation for third party comments and Trkulja cases liability of platforms.*

Fairfax Media Publications Pty Ltd v Voller; Nationwide News Pty Limited v Voller; Australian News Channel Pty Ltd v Voller [2021] (Voller): The High Court majority ruled that media organisations could be held liable for the posting of defamatory comments by third parties in response to stories featured on Facebook pages they hosted (High Court of Australia, 2021). The majority held: "... the liability of a person as a publisher depends upon whether that person, by facilitating and encouraging the relevant communication, "participated" in the communication of the defamatory matter to a third person" and rejected the media organisations' argument that for a person to be a publisher they must know of the relevant defamatory matter and intend to convey it (Jacobson, 2021, para 4). The hosts of the Facebook pages had "facilitated, encouraged and thereby assisted the publication of comments from third-party Facebook users" and were therefore publishers of the third party comments (High Court of Australia, 2020; Jacobson 2021, para 6). The Morrison Government attempted to reverse this decision via the *Social Media Anti-trolling Bill* which lapsed in 2022. It was designed to transfer liability for such comments to social media platforms.

Trkulja v Google LLC [2018]: The High Court unanimously held that search engine results had the capacity to convey defamatory imputations and that Internet platforms like Google could be held responsible for those results. This followed earlier 2012 Victorian Supreme Court decisions where Mr Trkulja won \$200,000 in damages against Google and \$225,000 against Yahoo!, because he had complained about their search engine results linking him with Melbourne underworld figures and they had not removed them in a reasonable time, losing them an 'innocent dissemination' defence that would otherwise be available to them as secondary publishers. These decisions (*Trkulja v Google Inc LLC & Anor* (No 5) [2012] VSC 533 ; *Trkulja v Yahoo! Inc LLC & Yahoo! 7 Pty Ltd* [2012] VSC 88) underscore the liability of major platforms in defamation (and perhaps other actions) if they fail to act promptly when online material has been brought to their attention (Defamation Watch, 2012; Supreme Court of Victoria, 2012).

c. **High Court's interpretation of Criminal Code 474.17:** Using a carriage service to menace, harass or cause offence. In their submission to the Cyberbullying Inquiry (2018) The Law Council explained that in *Monis v R; Droudis v R* (2013) 249 CLR 92, the High Court considered the terminology of Criminal Code s. 474.17, with justices Crennan, Kiefel and Bell JJ stating they:

...held that the words "menacing" and "harassing" imply serious potential effect upon an addressee, one which causes an apprehension, if not a fear, for that person's safety. For consistency, to be "offensive" a communication must be likely to have a serious effect upon the emotional well-being of an addressee (Parliament of Australia, 2018, para 3.14).

iii. Commonwealth Agencies / NGOs

- a. Complaints to ESafety Commissioner: Processes established under *Enhancing Online Safety Act 2015* (Online Safety Act)—[See Online Safety Act 2021 description above under Commonwealth legislation]. See their processes for reporting abuse at <https://www.esafety.gov.au/report/how-to-report-serious-online-abuse-illegal-restricted-content>.
- b. Complaints to employers about employees' inappropriate social media use: Employees can be dismissed for inappropriate use of social media, particularly if it is bringing their workplace into disrepute. See for example Fair Work Australia—dismissal over SM use/harassment: *Mr Conrad John Corry v Australian Council of Trade Unions T/A ACTU* [2022] (Fair Work Commission, 2022). See decision where it states the employee's justifiable termination was based on the employer's concern that the "social media posts might negatively impact on; the health and safety, including the psycho-social wellbeing, of ACTU staff, workers who called the Support Centre, and Australian workers more broadly; and the reputation of the ACTU, which is a values-driven and progressive organisation" (Fair Work Commission, 2022, para 70).
- c. National advertising regulations—Perth Now case—misogynist and racist comments: The Advertising Standards Bureau ruled that the Facebook pages of VB and Smirnoff Vodka were effectively advertisements, and that those companies were responsible for the discriminatory and obscene comments made there by customers (Smith, 2012). Thus complaints can be made directly to corporate entities over online abuse posted to the social media pages they host.

2b. Australian states and territories

i. Legislation

A range of measures are available under State laws for diverse journalists to complain about online abuse. These include:

- Personal Safety Intervention Orders (under the *Personal Safety Intervention Orders Act 2010* (Victoria) and other state and territory equivalents): As the Victorian Law Reform Commission explained in its Stalking Consultation Paper these were designed:

to provide for a system of non-family violence intervention orders. It faced the awkward challenge of providing safety for those victims of non-family violence stalking, whose situation is similar to those experiencing family violence, but also providing a response to those whose interpersonal disputes are caught up in the broad definition of stalking. It sought to address this challenge in two ways (Victorian Law Reform Commission, 2021, para 4.5).

They can be taken out against any individual who has assaulted, threatened or stalked another, or damaged their property.

- Stalking charges: Cyberstalking is usually covered under State criminal laws to include situations when one person repeatedly contacts another person or behaves in a way with the intention of making them feel scared, distressed or fear for their safety. Behaviour that might be covered is well explained by GenVic in their Cybersmart Women guide (Gender Equity Victoria, 2021). An example is the Queensland legislation (Queensland Government, 1899, section 359B):

CRIMINAL CODE 1899 - SECT 359B

What is unlawful stalking

359B What is [unlawful stalking](#)

"**Unlawful stalking**" is conduct—

(a) intentionally directed at a person (the

"stalked person"); and

(b) engaged in on any 1 occasion if the conduct is protracted or on more than 1 occasion; and

(c) consisting of 1 or more acts of the following, or a similar, type—

(i) following, loitering near, watching or approaching a person;

(ii) contacting a person in any way, including, for example, by telephone, mail, fax, email or through the use of any technology;

(iii) loitering near, watching, approaching or entering a place where a person lives, works or visits;

(iv) leaving offensive material where it will be found by, given to or brought to the attention of, a person;

(v) giving offensive material to a person, directly or indirectly;

(vi) an intimidating, harassing or threatening act against a person, whether or not involving violence or a threat of violence;

(vii) an act of violence, or a threat of violence, against, or against property of, anyone, including the defendant; and

(d) that—

(i) would cause the [stalked person](#) apprehension or fear, reasonably arising in all the circumstances, of violence to, or against property of, the [stalked person](#) or another person; or

(ii) causes detriment, reasonably arising in all the circumstances, to the [stalked person](#) or another person.

"Brodie's Law" in Victoria takes its name from 19 year old Ms Brodie Panlock who took her own life in 2006 after experiencing workplace bullying. It was introduced in 2011 and makes serious bullying a criminal offence by extending '...the definition of stalking in section 21A of the *Crimes Act 1958* (Vic) to specifically include behaviour that could lead a person to self-harm which can include serious cyberbullying. Penalty is up to 10 years in jail.

- Part 5A of the *Summary Offences Act 1953* (South Australia) includes several offences relating to cyberbullying and the non-consensual sharing of intimate images.
- Workplace health and safety complaints: Various jurisdictions have complaints mechanisms about unsafe work environments via state-based workplace health and safety agencies. For example, Worksafe Queensland offers guidance on a range of psychosocial workplace hazards and factors including bullying, stress, fatigue and violence (Worksafe Queensland Government, n.d.). with complaints channels via the [Queensland Human Rights Commission](#) and the [Fair Work Commission](#).
- In their submission to the *Cyberbullying Inquiry* (2018) the Law Council of Australia (2017) and the Australian Universities' Anti-bullying Research Alliance (2017) listed the following state and territory-based criminal legislation that could apply to online safety and cyberbullying (Law Council of Australia, 2017, p. 11, footnote 32):

Crimes (Domestic and Personal Violence Act 2007 (NSW) s 13 (stalking or intimidation with intent to cause fear of physical or mental harm), Crimes Act 1900 (NSW) ss 91P-91R (recording and distributing intimate images), Crimes Act 199 (NSW) s 31 (documents containing threats), Crimes Act 199 (NSW) s 199 (threatening to destroy or damage property), Crimes Act 199 (NSW) s 60E (assaults etc at school), Crimes Act 1958 (Vic) s 21A (stalking), Crimes Act 1958 (Vic) s 20 (threat to kill), Crimes Act 1958 (Vic) s 21 (threats to inflict serious

injury), Crimes Act 1900 (ACT) s 30 (threat to kill), Crimes Act 1900 (ACT) s 31 (threat to inflict grievous bodily harm), Crimes Act 1900 (Qld) s 308 (threats to murder in document), Crimes Act 1900 (Qld) s 359 (threats), Crimes Code 1913 (WA) ss 338A-338C (threats), Crimes Act 1935 (SA) s 19 (unlawful threats), Crimes Act 1924 (Tas) s 163 (threats to kill in writing) and Crimes Code 1983 (NT) s 166 (threats constituted by words or conduct).

Criminal Code—Queensland example: Criminal Code offences that might relate to cyberbullying or bullying: “making threats” (section 359), “stalking” (section 359B), “aiding suicide” (section 311), “sexting” (section 228) and “defamation” (section 365) (Queensland Anti-Cyberbullying Taskforce, 2020, p. 7).

- Uniform Defamation Act (2005):

Defamation law is one form of recourse for diverse journalists who have suffered reputational damage on social media. Cases have established clearly that social media communications and abuse can constitute defamation: *Mickle v. Farley*(2013) (Defamation Watch, 2015); *Hockey v. Fairfax* (Defamation Watch, 2015). The two major obstacles to such action are 1) identifying the plaintiff, given the anonymity of many trolls and online harassers (although as noted above, there is potential recourse to media organisations hosting comments (e.g., *Voller*, 2021) and perhaps even Internet platforms (e.g., *Trkulja v Google LLC*, 2018), and 2) the legal costs of defamation action. Bennett + Co (2020, p. 3) estimated a defamation interlocutory dispute as costing between \$10,000 and \$60,000.

ii. Bills of rights and their implications

Although Australia has no Bill of Rights at Commonwealth level, three Australian jurisdictions do feature bills/charters of rights. Queensland, Victoria and the Australian Capital Territory (ACT) have their own human rights legislation, which grants rights of freedom of expression to individuals among a host of other rights. Queensland’s *Human Rights Act 2019* protects 23 rights, including civil and political rights, access to education and health services, cultural rights, and more. Section 16 of the Australian Capital Territory’s *Human Rights Act 2004* states that everyone has the right to right to freedom of expression, including to impart information and ideas orally, in writing or in print, or in another way, subject only to reasonable limits set by Territory laws that can demonstrably be justified in a free and democratic society. In Victoria, Section 15 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) expresses the right in very similar terms, subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality (Pearson and Polden, 2019, p. 49). Victorian Equal Opportunity and Human Rights Commission offers complaints channels for employee and workplace rights, aboriginal rights, disability rights, LGBTIQ+ rights, older people’s rights, racial and religious rights, youth rights and women’s rights, all linked to human rights listed in that state’s Charter of Human Rights and Responsibilities and other state-based human rights legislation, including the *Equal Opportunity Act 2010*, the *Racial and Religious Tolerance Act 2001*, and the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Victorian Equal Opportunity and Human Rights Commission, n.d.). These avenues link directly to workplace and diversity harassment online of those diverse journalist groups in this project.

iii. Judicial interpretations and cases

1. Journalist trauma case: No cases have yet dealt with employer responsibility for mental distress caused by online harassment of their staff. However, an important Victorian appeals court decision in 2019 upheld an *Age* journalist's claim of negligence against her employer when she was moved to a court reporting round after reporting post-traumatic stress disorder after six years of reporting crime, including Melbourne gangland murders (Yates, 2020). According to the Court of Appeal, this caused a significant deterioration in her health and constituted a breach of duty by the newspaper employer (Forrest & Emerton, 2019). They then offered her an undisclosed out-of-court damages settlement. The Cyberbullying Inquiry (2018, para 3.20), heard from Maurice Blackburn Lawyers who highlighted that journalists and others may experience cyberbullying at work, and submitted that:

... changes to the regulatory environment in relation to cyberbullying must include enforceable sanctions against employers who **fail in their duty to provide a safe workplace** for their employees" (emphasis added).

2. Norwich Pharmacal order to ISPs - NSW Supreme Court issued a 'Norwich order' against Twitter in 2017 after an anonymous Twitter had created false 'handles' in the name of a CEO and others and released confidential financial information to the detriment of the corporation (*Financial Tweets case, 2017*): *X v Twitter Inc* [2017] NSWSC 1300, *Norwich Pharmacal Company and others v Commissioners of Customs and Excise* (1973) UKHL6 (UK). In the UK, the House of Lords ruled that where a third party had become engaged in unlawful conduct, it was under a duty to help whoever had suffered damage by disclosing the identity of any wrongdoers and providing them with full information about the matter.]
3. Invasion of privacy and breach of confidence: In the Jane Doe case (2007), the ABC breached the *Victorian Judicial Proceedings Reports Act 1958* by broadcasting three reports that identified by name and address a husband convicted of raping his wife, and a fourth in which the wife herself was named (County Court of Victoria, 2007). The reporters involved were dealt with for breaching the Act, and the victim sued the ABC for negligence, breach of its duty not to name her, invasion of privacy and breach of confidence. The case was subsequently settled by the ABC. In Queensland, a District Court judge ruled that the privacy of former Sunshine Coast mayor Alison Grosse had been invaded by an ex-lover who harassed her after their affair had ended. She was awarded \$108,000 in damages (Queensland District Court Decisions, 2003). Such actions might be available to journalists whose private details have been exposed publicly by online harassers.

2c. Australian industry and corporate self-regulation and policy

i) MEAA

The Media, Entertainment & Arts Alliance (MEAA) has partnered with Gender Equity Victoria (GEN VIC) and Australian Community Managers (ACM) to launch a pioneering *Enhancing Online Safety of Women in the Media* project.

MEAA argued that many of the current state regimes are 'deficient', and also that:

...section 474.17 [of the Commonwealth Criminal Code] has not kept pace with the rise of offences it seeks to curtail and punish. The tools of cyberbullying are readily available, easily used, allow for anonymous attacks and enable viral assaults (Parliament of Australia, 2018, para 3.16).

GEN VIC has developed three critical resources to help media organisations and publications better support women journalists who experience harassment:

1. Australian Media Moderation Guidelines: these comment and online discussion moderation guidelines are the industry-standard for Australian media to moderate comment sections using a gender and intersectional lens. Download the Australian Moderation Guidelines [here](#).
2. Responding to the Comments: these workplace support guidelines outline organisational responsibilities for helping women journalists deal with the effects of online harassment.
3. Media Cyber Safety Training: this 3-hour training session is designed for HR professionals and management staff at media organisations to develop policies and procedures that are aimed at reducing the traumatic impact and emotional labour of online harassment on journalists.

The Moderation Guidelines state that:

1. Posts that are abusive towards, or denigrate or threaten journalists, other contributors or moderators should be removed. 2. Posts that are discriminatory on the basis of personal characteristics (such as gender identity, Indigeneity, race, ethnicity, religion, sexuality, class, age or disability) should be removed. Records of discriminatory posts may be kept by moderators and organisations to escalate to relevant authorities or to assist with questions arising after deletion. 3. Contributors who persist in posting material that is abusive, discriminatory or designed to incite aggression against others should be blocked from posting, and may have their accounts removed. 4. Moderators should make reports and keep records of any forms of abuse. Organisations may escalate their reports to relevant authorities if required. 5. Comments seeking to deliberately undermine expertise or qualifications of journalists may be removed. 6. Fostering debate, an important function of journalism, will not come at the expense of members of vulnerable or marginalised communities. 7. Debates on issues affecting vulnerable or marginalised communities should be led by members of those communities wherever possible. 8. Moderators should wherever possible question or correct false or misleading information, and take care to address errors and issue corrections as soon as is practicable. 9. Where it is verified that community members have posted other's private information (doxing) moderators will act to remove it in a timely fashion and may block those members from posting, and possibly remove or suspend accounts. 10. Organisations should do their utmost to ensure respectful contributor conduct within their communities. This should include the creation of relevant guidance for members in producing a healthy discussion culture (Gender Equity Victoria, 2021, p. 7).

The report lists the further suggestions and recommendations (Gender Equity Victoria, 2021, p. 7):

- Media organisations have a responsibility to support women journalists in making reports to the police. Organisations should ensure they are keeping detailed records and provide institutional support where necessary when women journalists make complaints.
- Media organisations have a responsibility to provide transparency and accountability in moderating public discussion. Companies should provide detailed guidance to the community about what content and conduct is prohibited, including examples of permissible and impermissible content and the guidelines used by reviewers.

- Contributors should agree to abide by a code of conduct and, wherever possible, be required to verify their identity prior to commenting. Journalists should be briefed about what the organisations' guidelines are prior to completing their work.
- Companies should also provide an explanation of how both automated and manual detection is used to moderate content.
- Moderation guidelines should clearly state penalties for breaching the conditions of public discussion and contribution, including legal steps that will be taken to prosecute discrimination and threats of violence.

GENVIC recommended actions:

1. Self care with mental health and referral agencies; 2. Take notes and document the event (screen capture etc) ; 3. Report the harassment to the social media platform, the eSafety Commissioner or the police [note, no employer course of action listed]; 4. Other legal avenues.

ii. APC

The Australian Press Council has a long established complaints process against newspaper and online publication members' breaches of their standards of practice. Complaints may relate to news reports, articles, editorials, letters, cartoons, images and other published material. The Council explains that adjudications must be published by the publication in accordance with the Council's specific requirements. The Council has no power to order compensation, fines or other financial sanctions. Where a complaint is upheld, the adjudication may also include a reprimand or censure, and may explicitly call for (but not require) apologies, retractions, corrections or other specified remedial action by the publisher. The Council may also call for specific measures to prevent recurrence of the type of breach in question (Australian Press Council, n.d.).

iii. Employers

Posetti's et al. (2021, pp. 14-15) UNESCO study noted female journalists' frustration with internal complaints processes:

While one in four (25%) of the women journalists surveyed reported online attacks to their employers, the top rated responses they received illustrated the enduring failures within many news organisations to respond appropriately or effectively to the crisis. The most common response (10%) received was that no action was taken; the next most frequently identified response (9%) was advice such as "grow a thicker skin", or "toughen up". This reflects a continuing failure to take the crisis of gendered online violence seriously as a journalism safety issue, and to act accordingly. Disturbingly, two percent of the women respondents also said their employers asked them what they did to provoke the treatment they received.

Posetti's (2020) key findings highlight inadequacies in employers' responses to the online harassment of women. Online harassment of diverse journalists is likely to have similar responses. In a summary of the findings of the report, Posetti (2020, para 10) writes:

The respondents demonstrated the existence of a double impediment to effective action to deal with online violence experienced in the course of their employment: low levels of access to systems and support mechanisms for targeted journalists and

low levels of awareness about the existence of measures, policies and guidelines addressing the problem.

Despite evidence of serious mental health impacts, of the women journalists participating in this survey, only 11% said their employer provided access to a counselling service that could help, only 14% said their organisations had policies or guidelines addressing the problem of online violence, and the same small percentage said they were able to contact a digital security expert who could assist them, while just two out of ten (20%) respondents said they had access to a gender-sensitive peer support network (Posetti et al. 2021, p. 40).

Public broadcasters

The ABC has robust procedures, guidance and training for how to deal with online harm. SBS has internal policies on inclusiveness and protocols for dealing with non-inclusive behaviours:

Upstander Training: We will develop and deliver bespoke ‘upstander’ training for employees. This training is designed to give employees at all levels the skills to play an active role in speaking up constructively when they experience or witness non-inclusive behaviours, or behaviours not aligned to the SBS values. The concept of an upstander is in contrast to a bystander, and is essential in creating a culture of accountability (SBS 2022-2024, p. 12).

Furthermore, the SBS promotes so-called inclusion champions:

The SBS Inclusion Champions are a group of approachable and trusted employees who have been trained on the SBS grievance management process, formal and informal options for resolving concerns or complaints, as well as mental health first aider training (SBS 2022-2024, p. 12)

[Note: Other media organisations’ internal policies and processes are unavailable on the public record. Further research should be devoted to identifying and assessing them.]

The ABC developed a range of resources to encourage employers to promote the online safety of journalists. They are published in partnership with the eSafety Commission on the eSafety website, including:

- [Supporting journalists to engage safely online](#)
- [Online safety tips for journalists](#)
- [Online safety tips for media organisations](#)
- [Online safety tips for managers, editors and producers](#)

3.-Indicative case studies on employer handling of CALD journalists’ complaints about online harassment:

1. Activist and writer Yassmin Abdel-Magied:

The part-time ABC commentator Yassmin Abdel-Magied famously left Australia following mainstream media haranguing and social media trolling of her over her seven word Tweet on Anzac Day 2017 stating: ‘*Lest. We. Forget. (Manus, Nauru, Syria, Palestine...)*’ (Carmody, 2017).

The ABC initially distanced itself from her comments, but did not move to dismiss her. But it later “parted ways” with her after the Coalition campaigned for her sacking (Bornstein, 2022). It axed her documentary show *Australia Wide*, but claimed this was not in response to the campaign against her but part of normal program reviews (Woods, 2017). Trolling and conservative media attacks reached new lows, as Julie Baird (2017) noted:

“Racism, sexism and Islamophobia make a potent brew. Almost 90,000 words, by one estimate, have been written about Abdel-Magied in three months. She gets daily death threats, has had to change her phone number and move house.

Then, when she said she was moving to London, trolls sent songs: “You are a c---.” Others taunted her “funny hat” and asked why it took so long, adding “good bloody riddance”; now “London will be an Islamic shithole”, “don’t f---ing come back”, “hope you never return”.

Further research needs to be done on the extent to which the ABC supported Abdel-Magied against the public and social media attacks and the workings of its internal processes in dealing with her social media posts and those of her harassers. Some answers might be found in the book she has written on the episode: *Talking About a Revolution*.

2. Print and radio journalist Ginger Gorman:

Ginger Gornam identifies with some elements of the CALD category of diverse journalists, with Jewish heritage on her mother’s side and being married to a Filipino Australian partner. Her book [Troll Hunting](#) chronicled her five years of research into the behaviour and psychology of online harassment after being trolled over a story she had written in 2013. She offered some insight into the approaches by her own employer and others to their journalists who have been subjected to cyberhate. She recalled her husband was critical of ABC management for the way they handled her situation when she was being threatened and intimidated by anonymous Internet trolls, including a tweet that stated chillingly “Your life is over” (Gorman, 2019, p. 251). Managers simply suggested she call the Employee Assistance Program for psychological support but offered no security assistance (Gorman, 2019, p. 250). Clearly much has changed at the ABC in the nine years since that incident. The organisation recently worked with the eSafety Commissioner to produce online tips for managers, editors and producers, which outline measures for involving security staff and police in such high level incidents assessed using a new traffic light system (eSafety Commissioner, n.d.). Gorman points to the disconnect between people being fired in their work for “mouthing off on social media” and others wanting absolute free speech online (Gorman, 2019, p. 217). She quotes lawyer Josh Bornstein saying: “There has never been a free-for-all on speech and there never should be a free-for-all on speech. If speech causes harm, then there needs to be regulation” (Gorman, 2019, p. 217). He cited a ream of laws curtailing free speech.

4. Benchmarking comparative western democracies

Legislation and regulation is not the best—or even a satisfactory—solution to online harassment of diverse journalists. The three intersecting factors—online harassment/diversity/journalism—each have their own complexities, and call as much for a social solution as a legal one. As Gorman (2019, p. 258) concluded:

As for legal solutions, legislation only takes us so far. It may be part of the solution - but not the whole solution... Layering more legislation on top of existing laws isn’t always the

answer, especially when other facets of society remain the same. We may wish to hold perpetrators to account. But new legislation is unlikely to help when police responses are patchy... Law enforcement must be willing to investigate and prosecute offenders. They must be trained and resourced to do this.

This interplay between legislation, regulation and enforcement adds to the difficulty of benchmarking Australia's situation with regard to the online harassment of online journalists against comparable western democracies. Some insights are offered here.

4a. United States

There are significant problems with benchmarking against the United States because the extensive First Amendment media freedoms there also protect hate speech and cyber harassment. The Supreme Court has continued to uphold this approach, as recently as 2017 in [Matal v. Tam](#), the "Slants" case:

[The idea that the government may restrict] speech expressing ideas that offend ... strikes at the heart of the First Amendment. Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought that we hate" (Supreme Court of the United States, 2016).

Further, s230 of the USA Communications Decency Act 1996 gives Internet and social media platforms 'intermediary immunity'—absolving them of all responsibility for the communications by third parties using their platforms and sites (Jurecic, 2022). This means regulators cannot prosecute the platforms over material of others that they host'—including offensive or harassing material directed at diverse journalists. Subsection 230(c)(1) of the Communications Decency Act 1996, of states quite simply:

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider. The Biden administration has flagged reforms to Section 230 to hold platforms to account (Jurecic, 2022)

4b. United Kingdom

The UK has a similar legal system to Australia's, and a similar array of laws available to diverse journalists who wish to pursue online harassment. Key laws include the Protection from Harassment Act 1997, Criminal Justice and Public Order Act 1994, Malicious Communications Act 1988, Communications Act 2003 and Defamation Act 2013. Guidelines revised by the Crown Prosecution Service (CPS) in 2018 deal with their approach to online bullying and harassment cases (Crown Prosecution Service, 2018). The publication of such guidelines is itself a useful initiative for potential complainants, and is something Australian authorities might consider, although the multi-tier nature of our federal system would inevitably make this more complex. Part A of that document lists several serious offences the prosecutors might pursue, again similar to Australian options, and not tailored specifically to cyber-crime (Crown Prosecution Service, 2018, Part A):

- Making a threat to kill, contrary to section 16 Offences Against the Person Act 1861
- Making a threat to commit criminal damage, contrary to section 2 Criminal Damage Act 1971

- Harassment or stalking, contrary to sections 2, 2A, 4 or 4A Protection from Harassment Act 1997
- Controlling or coercive behaviour, contrary to section 76 Serious Crime Act 2015
- Blackmail, contrary to section 21 Theft Act 1968
- Juror misconduct, contrary to sections 20A-G Juries Act 1974*
- Contempt of court, contrary to the Contempt of Court Act 1981*
- Publishing material which may lead to the identification of a complainant of a sexual offence, contrary to section 5 Sexual Offences (Amendment) Act 1992*
- Intimidating a witness or juror, contrary to section 51 Criminal Justice and Public Order Act 1994
- Breach of automatic or discretionary reporting restrictions, contrary to section 49 Children and Young Persons Act 1933 and section 45 Youth Justice and Criminal Evidence Act 1999
- Breach of a restraining order, contrary to section 5 Protection from Harassment Act 1997.

As this report was in its final stages, the UK's new *Online Safety Bill* was on hold pending further parliamentary debate and potential amendments by the new government led by Liz Truss. The bill's aims are to:

- prevent the spread of illegal content and activity such as images of child abuse, terrorist material and hate crimes, including racist abuse
- protect children from harmful material
- protect adults from legal - but harmful - content

The law leaves it to large platforms like Meta and Google, to decide how to comply. It also empowers Ofcom to regulate their attempts. It carries potential fines of up to £18m, or 10% of their annual global turnover (Rhoden-Paul & Whannel, 2022).

4c. European Union

Laws and regulations in the European Union are heavily influenced by the human rights regime of the seven decade old European Convention on Human Rights, enforced by a legal and regulatory regime at which the European Court of Human Rights stands at the summit. Free expression (Article 10), privacy (Article 8), thought, conscience and religion (Article 9) and anti-discrimination (Article 14) all feature and to some extent compete in the framework.

Non Government Organisations (NGOs) play an active role in this space in Europe. Within that context European nations are often world leaders in the fight against harassment and privacy invasion, and in their efforts to call to account major platforms hosting offensive material. An example is the Network Enforcement Law in Germany that came into force in 2017. It applies to social media platforms with more than 2 million German users. It requires the platforms to block or remove access to (German Law Archive, 2017):

- 'manifestly unlawful content' within 24 hours of receiving a complaint, and
- 'unlawful content' within seven days of receiving a complaint.

The meaning of 'unlawful content' is limited to content that contravenes certain enumerated criminal offences. These offences include those relating to hate speech, inciting others to violence or crime, terrorist offences, glorifying violence, defamation, insult, and child pornography. The Network Enforcement Law also requires social media platforms to (German Law Archive, 2017):

- maintain an effective procedure for users to make complaints about content;

- publish half-yearly reports providing certain specified data relating to the implementation of the law, and;
- name and authorise a person to receive service in Germany.

50 million euro fines can be issued against offending platforms.

The Council of Europe's [Safety of Journalists Platform](#) takes up cases of online intimidation of European journalists. Two cases offer insights into their handling of harassment of diverse journalists. In case 147/2022 it detailed the intimidation of journalist Safia Kessas who was responsible for diversity and equality in the newsrooms of Belgian public broadcaster RTBF. The harassment came from "around 20 black and queer activists" who took issue with her proposed dialogue with an American feminist writer. The case was under review as this report was finalised, but Kessas had earlier filed a criminal complaint for slander, defamation, insults and harassment. The Council of Europe's investigation and representations to Dutch authorities assisted with cross-jurisdictional complications of death threats against a Netherlands-based Spanish journalist Imane Rachidi in case No 120/2016. She had been the victim of death threats on Twitter after receiving an EU award for an article she published on homosexuality in the Arab world in May 2016, in the online Spanish newspaper *El Confidential*. The threats were written in Spanish, stating the assassins would go to the Netherlands to kill her. Dutch police refused to deal with the complaint because the journalist was Spanish and the threats originated in Spain. However, Council action contributed to the police changing their assessment and inviting her complaint.

4d. Canada

Like Australia and the UK, Canada has mainly addressed online harassment crimes via its *Criminal Code*, with relevant provisions including:

- Sharing intimate images without consent
- Criminal harassment
- Uttering threats
- Intimidation
- Mischief in relation to data
- Unauthorized use of computer
- Identity theft
- Extortion
- False messages, indecent or harassing telephone calls
- Counselling suicide
- Incitement of hatred
- Defamatory libel
- Public incitement of hatred
- Offence against the person and reputation

In an attempt to alleviate growing concerns about cyberbullying, the Canadian government passed Bill C-13 (the Protecting Canadians from Online Crime Act) in 2015. It amended many of the above sections of the *Criminal Code*, aimed mainly at shoring up prosecutions against cyberbullying of school children (Parliament of Canada, 2014). In 2022 Canada proposed new online safety measures similar to those in place in Australia's e-Safety regime. Stephens (2022) offers a useful comparison between the Australian, UK and Canadian approaches to online safety legislation and associated regulation. He explained the Canadian "online harms legislation" would be more tightly constrained than Australia's (Stephens, 2022). A 'Digital Safety Commissioner' would oversee the

new regime, with the power to take complaints, undertake compliance inspections, issue public statements and orders, issue administrative penalties up to \$10 million and recommend prosecutions with fines of up to \$25 million. However, the law would be limited to just five categories of harms under the Criminal Code: (1) terrorist content; (2) content that incites violence; (3) hate speech; (4) non-consensual sharing of intimate images; and (5) child sexual exploitation content. These do not cover the key kinds of attacks against diverse journalists including cyberbullying, defamation, online harassment, disinformation or false advertising—what Stephens labelled the “awful but lawful” content. (Stephens, 2022).

4e. New Zealand

In many ways the best country for comparison with the Australian approach is New Zealand, which shares much of its history and legislative framework. A point of distinction is that New Zealand does have a legislative bill of rights—the *Bill of Rights Act* (BORA) 1990, which enshrines rights of free expression, non-discrimination, privacy, thought and conscience (New Zealand Legislation, 1990). In addition to the usual criminal offences that can be prosecuted—similar to Australia’s—New Zealand’s legislation aimed specifically at online harassment and cyberbullying was the *Harmful Digital Communications Act 2015 (New Zealand)* (New Zealand Legislation, 2015). This law was influential in the development of Australia’s cyber safety legislation and formed a key part of the international comparison featured in the *Cyberbullying Inquiry* (2018).

That Inquiry report listed the key features of the Harmful Communications Act as (New Zealand Legislation, 2015, Section 22):

- Making it a criminal offence to ‘...post a digital communication with the intention that it cause harm to a victim...’, where posting the communication harmed the victim and would have caused harm ‘...to an ordinary reasonable person in the position of the victim...’.⁵³ The offence is punishable by up to two years’ imprisonment or a maximum fine of \$50,000 for individuals or \$200,000 for companies. Police can prosecute the criminal offences. Under the act it can be illegal to send messages and post material online that deliberately cause somebody serious emotional distress.
- Establishing an approved agency (NetSafe) to resolve complaints about harmful digital communications.
- Enabling a court to hear civil proceedings about serious or repeated harmful digital communications. The court does not issue fines or prison terms, but can order certain remedies. Failure to comply with these orders is punishable by up to six months’ imprisonment or a fine of \$5,000 for individuals or \$20,000 for companies. The court is able ‘...to order a broad range of remedies...’, which include:
 - orders to take down material;
 - cease-and-desist orders;
 - orders to publish a correction or an apology, or to give the complainant right of reply;
 - orders to release the identity of the source of an anonymous communication, and;
 - ordering name suppression for any parties.
- Making it a criminal offence to incite someone to commit suicide, regardless of whether or not the person attempts suicide (previously, it was only an offence if the person attempted or committed suicide). The offence is punishable by up to three years’ imprisonment.

Notably, the Act limited the liability of telecommunications companies and social media platforms for harmful content posted by others, as long as those companies followed certain procedures for users' complaints. The Act was amended in 2022 under the [Harmful Digital Communications \(Unauthorised Posting of Intimate Visual Recording\) Amendment Act 2022](#). It makes it an offence if a person posts intimate visual recordings without the consent of the person in the recording, or if the person is reckless as to whether the victim has given consent. The changes also give courts power to make interim orders to take down or disable the material.

Recommendations:

- Given the litany of different criminal offences applying to cyberbullying and online harassment at Commonwealth, State and Territory levels, request the Standing Council of Attorneys-General (SCAG) to work to harmonise and simplify such laws throughout Australia, as they have with defamation and evidence laws.
- Provide funding and resources for the eSafety Commissioner to operate as a legal aid and referral service to assist diverse journalists with their decisions about which avenues of recourse to pursue and in obtaining pro bono legal assistance in pursuing them.
- Create a handbook for diverse journalists listing each regulatory and self-regulatory avenue of complaint and redress to assist them in identifying appropriate assistance.
- Commission research into the industry-based policies and avenues for complaint for diverse journalists who are being harassed, also covering cases and examples of matters dealt with internally by media organisations.
- In line with New Zealand reforms, make it a criminal offence to '...post a digital communication with the intention that it cause harm to a victim...', where posting the communication harmed the victim and would have caused harm '...to an ordinary reasonable person in the position of the victim...'. Under the reform it can be illegal to send messages and post material online that deliberately cause somebody serious emotional distress.
- In line with New Zealand reforms, enable courts to hear civil proceedings about serious or repeated harmful digital communications. The court should have the power to order remedies including:
 - orders to take down material;
 - cease-and-desist orders;
 - orders to publish a correction or an apology, or to give the complainant right of reply;
 - orders to release the identity of the source of an anonymous communication, and;
 - ordering name suppression for any parties.

Failure to comply would have criminal consequences.

- In line with New Zealand reforms, make it a criminal offence to incite someone to commit suicide, regardless of whether or not the person attempts suicide (previously, it was only an offence if the person attempted or committed suicide).

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