



THE HON PAUL FLETCHER MP

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TRANSCRIPT

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STEPHEN CENATIEMPO: Now, we touched on this earlier this morning, that there is a threshold being set for what's going to be deemed online abuse and what will be regulated by new guidelines that have been put in place, and it will be overseen by Julie Inman Grant. And I wonder if the threshold has been set a little bit too low. We talked about some of the things that will get through and some things that won't. But part of this process will see the Australian government establish an Online Safety Youth Advisory Council as part of their plan to make the online world safer for everyone. To talk to us about this Paul Mitchell – Paul Fletcher, I should say, is the Minister for Communications, Urban Infrastructure, Cities and the Arts. Paul, that is a mouthful. I always say that when I talk to you.

PAUL FLETCHER: Good morning, Stephen, good to be with you. And, yes, it's a big portfolio, but lots of interesting, important issues, including, as you rightly say, how we keep Australians safe online, and the Prime Minister and I made an announcement yesterday about this Online Safety Youth Advisory Council.

STEPHEN CENATIEMPO: And I want to talk to you specifically about that. But I am a little bit concerned about where the threshold is being set for what constitutes online abuse. And obviously there's going to be a fine line between free speech and trolling, but we are setting that bar a little bit too low, do you think?

PAUL FLETCHER: You're right, Stephen, that we need to get that balance right. So we've had rules to deal with the cyber bullying of children since 2015, and they've worked well. What we're now introducing is new rules to deal with severe online abuse of adults, but we have set the bar higher than with the existing rules for children because adults are more resilient and also, as you rightly say, we need to balance freedom of speech.

So the way it will work is that the eSafety Commissioner will have the power to require that serious cyber bullying material be taken down, but it's a pretty high bar. It needs to be material that a reasonable person would consider was menacing, harassing or offensive and intended to cause harm. And so we've used that language very carefully and, indeed, menacing, harassing or offensive, that's language that already applies under the Criminal Code, and if you use – if you engage in menacing, harassing or offensive conduct using a carriage service, which basically means the internet, that already is a crime.

The difference with the eSafety Commissioner is the focus is on when people are the victim of this kind of thing overwhelmingly they want the material take be down very quickly, and that's the key remedy the eSafety Commissioner can offer. And, of course, she'll also have the power to impose civil penalties against trolls, again, if it's found to be material that meets this test of being cyber abuse.

STEPHEN CENATIEMPO: One of the things that stood out to me – and there were a couple of phrases that were quoted in an article this morning – if you call somebody an “ugly cow” or “lying bigot” that's okay, and I guess that's fine. But accusing somebody of being a paedophile is going to fall below the threshold. I mean, that's pretty dangerous, I would have thought.

PAUL FLETCHER: Well, again, it goes to the issue of is this something that's intended to cause harm, and it's important to remember that the purpose of this is to deal with online bullying and abuse that has a particular effect on the person who is the victim of it. Overwhelmingly it's women. It's very heavily women who are disproportionately the victims of this kind of online conduct.

It's also important to be clear that there are – if you've had something said about you which you find deeply offensive, even though it doesn't meet this threshold, there are other ways to deal with that, including through defamation. And separately the Prime Minister and the Attorney-General have announced a new legislative approach to deal with defamatory material online to again make it easier for ordinary Australians who might have been the subject of defamation to have an effective remedy.

STEPHEN CENATIEMPO: Let's talk about this youth advisory council. How's that going to work and who's going to make it up?

PAUL FLETCHER: Well, there will be 20 young Australians aged between 13 and 24 who will be – who will participate in this Online Safety Youth Advisory Council. It's going to be put together by Julie Inman Grant our eSafety Commissioner. And early next year she'll get the nominations and selection process underway. So certainly if there are people who are interested in putting themselves forward, keep a watch out for what Julie has to say about how she's going to be selecting the members of that youth advisory council.

But the fact is it's all changing so quickly and what teenagers and young people are doing online evolves very, very quickly. We know that young people are concerned about safety online, but we also know that the internet is an important place where young people interact and engage with each other. So it is very important that we have the views of young people informing the policy work we're doing in this area.

STEPHEN CENATIEMPO: Is there likely to be a focus on having individuals that have been victims of bullying and people with that firsthand experience?

PAUL FLETCHER: Look, what we'll be seeking to do is have a balance of different perspectives, making sure we've got, for example, young people from regional Australia as well as metropolitan Australia, different sorts of backgrounds. You know, we want some uni students, we'll want some apprentices, we'll want some school students, people with disability. We'll try and get a whole range of perspectives. But I think you're right, Stephen, that we will be interested in people who have had – may have had some bad experiences online and also, of course, people who have had good experiences.

The aim is to try and get a diverse perspective, a range of perspectives from young Australians which can help inform the work that our eSafety Commissioner is doing as part of the Morrison government's focus on keeping Australians safe online. We all have the benefit of the rule of law when we interact in the physical town square. It's so important that we have that when we interact in the digital town square.

STEPHEN CENATIEMPO: So when you select these people, from a functional perspective what happens next? What do they do? Will they meet physically? How many times a year? Have you determined that yet?

PAUL FLETCHER: Look, we'll work through the details of that, but we would envisage a mix of some physical meeting but also some meeting using Zoom or Teams or many of the other online meeting tools we've all become very familiar with over the last couple of years. We want to do this in a quick and effective way, but certainly there will be the opportunity, I think, for some face-to-face meetings as well as some Teams and Zoom.

STEPHEN CENATIEMPO: It's certainly an important issue and one that, you know, rightly or wrongly, we always are going to be playing catch-up with because it moves so quickly. But I think it's a laudable initiative. Paul Fletcher, good to talk to you this morning.

PAUL FLETCHER: Thanks indeed Stephen.