

Media Release – 13 March 2024

Social media, is no place for Vilification

Racism causes undeniable and harmful impacts on the well-being of any community. This harm is exacerbated by an assumption that social media is a space where people are free to offend, insult, humiliate and intimidate a person or a group of people because of their personal attributes such as race, sex, disability, age, sexual orientation and other protected attributes. Cultural citizenship calls for a balanced approach to protect the freedom of speech and expression by making people accountable for poor social media behaviour.

The Territory is not spared from the scourge of racism, and it becomes a community concern when root causes and triggers are not addressed. Often, there is greater interest in the public relations impact that racism generates than understanding and addressing the root causes. Racism is a systems issue, with systemic consequences. It becomes a major community concern when the check and balance of systems in place fail. To this extent, it is important to examine the 'black box' of the matter. Cultural citizenship of the digital platform demands that rights have an unbroken connection to responsibilities. While racist remarks can lead to race discrimination, we need to be careful about the narrative in equating racist remarks to race discrimination.

The Northern Territory Government passed vilification laws that took effect on 3 July 2023 through the *Anti-Discrimination Act 1992*. It does not have retrospective effect. This reform puts a regulatory lens on unlawful conduct in a public space that can be extended to social media. Unless it can be proven that a person acted reasonably and in good faith, the callous indifference to the offense or denigration caused by the communication is likely to trigger a vilification offence. This means that in the Territory social media has no place for vilification based on a person or group of persons protected attribute like race.

At the Northern Territory Anti-Discrimination Commission, we are actively addressing community expectations and deep listening on safety against race discrimination by developing awareness and conciliating complaints to improve the check and balance leading to policy changes, accountability measures and other restorative outcomes. With the new positive duty obligations to eliminate discrimination on 2 January 2024, there is a legal duty among duty holders, who include, businesses and government to proactively prevent race discrimination. Cultural citizenship of social media digital platforms again demand protection from vilification to enable it to be a safe-space for the inclusive and diverse community we live in.

All enquires to be directed to antidiscrimination@nt.gov.au