

6.2.8 Motions for ALGA National General Assembly and MAV State Council Meeting

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Recommendation(s)

That the following motions be submitted to the forthcoming Australian Local Government Association National General Assembly to be held on 13 – 16 June

- The National General Assembly calls on the Australian Government to advocate on behalf of candidates and Councillors for additional resources and powers, inclusive of increased penalties, for the eSafety Commissioner and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:*
 - Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';*
 - Work with local governments to develop specific support and social media management programs available for candidates and Councillors through the eSafetywomen program in the lead up to the next elections across Australia*
- This National General Assembly calls on the Australian Government to conduct a review into the funding mechanism that addresses financial vulnerability and wellbeing nationally and establish a dedicated fund that councils can access to address the financial vulnerability and wellbeing within communities.*

That the following motions be submitted for consideration at the Municipal Association of Victoria State Council meeting being held on Friday 19 May, and it be noted that due to the deadline for lodgement of such motions that they have already been submitted to the MAV.

- That the MAV advocate to the Minister for Local Government to amend the Local Government (Planning and Reporting) Regulations to not require reimbursements of childcare costs or expenses incurred by a Councillor who is a carer in a carer relationship as a reported expense item in the Annual Report or elsewhere published."*
- That the MAV advocate on behalf of candidates and Councillors for additional resources for the eSafety commissioner, local government inspectorate and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:*
 - Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';*
 - Work with local governments to develop specific support and social media management programs available for candidates and Councillors through the eSafetywomen program in the lead up to the 2024 elections.*

3. *That the Municipal Association of Victoria calls on the Federal Australian Government on behalf of Victoria to conduct a review into the funding mechanism that addresses financial vulnerability and wellbeing nationally and establish a dedicated fund that councils can access to address the financial vulnerability and wellbeing within communities*

Attachments

1. Proposed Motions ALGA and MAV Kingston [6.2.8.1 - 4 pages]

Executive Summary

This report provides details of the lodgement of motions for both the Australian Local Government Association National General Assembly and Municipal Association of Victoria State Council meeting.

Background

The motions regarding online bullying, harassment and trolling of candidates and Councillors on social media platforms and the requested amendment to the Local Government (Planning and Reporting) Regulations are being led by Kingston City Council who are seeking the support of other Councils to also submit the same motions to indicate support for the proposals. Attached is a detailed explanation of the proposed motions.

The motion regarding financial vulnerability is suggested by Cr Kowarzik, the intent of the motion is to have the Federal Government review the current funding model which sees the majority of funding being directed to services in Dandenong.

The deadline for lodgement of motions for the MAV State Council Meeting is Monday 20 March, these motions have been lodged and a Council resolution giving retrospective approval for the lodgement is sought.

Policy Implications

There are no policy implications associated with these motions

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

1.1.4 Facilitate a partnership approach to create safer communities.

1.1.5 Work closely with the community to deliver programs that build community resilience, relating to a pandemic or other disasters.

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Consultation/Communication

Correspondence seeking support for these motions has been received from Kingston City Council.

Financial and Resource Implications

There are no financial considerations to the Council associated with these motions.

Conclusion

It is respectfully requested that Council support the two motions, in retrospect, to the MAV and to provide support for the lodgement of the two motions to the National General Assembly, as detailed in this report.

ALGA:**Regulation of Social Media bullying towards candidates and Councillors**

The National General Assembly calls on the Australian Government to advocate on behalf of candidates and Councillors for additional resources and powers, inclusive of increased penalties, for the eSafety Commissioner and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:

- *Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';*
- *Work with local governments to develop specific support and social media management programs available for candidates and Councillors through the eSafetywomen program in the lead up to the 2024 elections.*

National objective

Social media is a key tool of engagement for both candidates and elected Councillors and provides open channels of communication between elected representatives and their constituents. However, social media can often be misused for the purpose of online bullying, harassment and trolling of candidates and Councillors.

More alarmingly, the increasing levels of online vitriol and attacks on women is a barrier from entering and continuing in politics, thus limiting the ability for local government to be represented by a diverse range of voices as well as simultaneously minimising the gender disparity in politics.

In 2021, 35% of elected representatives in local government nationwide were women, indicating a significant lack of gender representation within the sector. In order to achieve greater equality in elected office, barriers to women running for office must be removed, which includes addressing the online bullying disproportionately faced by women candidates and Councillors in local government compared to male counterparts.

The Federal Government must review the eSafety Commissioner's Adult Cyber Abuse Scheme authority to enable them to better regulate online bullying, harassment and trolling of women candidates and Councillors. The eSafety Commissioner must also work with state electoral commissions and local governments to deliver specific eSafety women training and resources to better equip them to handle and manage vitriolic material on social media platforms.

The issue must be debated to ensure that effective protocols are implemented to ensure the mental health of women, people who identify as women and non-binary candidates and Councillors is prioritised and to eliminate this barrier to women entering politics. This will promote more diverse and effective community representation.

Summary of key arguments

Since the Covid19 Pandemic, covid, Australia has experienced the proliferation of online campaigning, advocacy efforts and daily communication with candidates and Councillors of local government over social media. Given the increased dependence on candidates and Councillors to communicate with the community via social media in the digital age, the proliferation of online campaigning and advocacy efforts require greater regulation by the Federal Government to ensure bullying and harassment is not exacerbated any further. A report by the Local Government Association of Tasmania in 2019 found 60 per cent of women had been bullied and harassed online, including from other elected members. The Parliament of Victoria's Electoral Matters Committee which investigated the impact of social media on Victorian elections heard that women and minority groups can be particular targets, and that the abuse they receive is often gendered, sexual, racial or otherwise discriminatory.

The current Adult Cyber Abuse Scheme grants the eSafety Commissioner the authority to require online service providers to remove online abuse that targets an Australian adult with the 'intention of causing serious harm and menacing, harassing or offensive'. Lowering the threshold to a level under an intent of causing serious harm would create a greater opportunity to regulate and remove attacks of online bullying, harassment and trolling to encourage women entering politics at a local level, thus ensuring greater community and cultural representation. Women entering politics at a local level has been used to gather valuable experience to run at state or federal level; indicating a removal of barriers to fair and equitable participation at local government may in turn positively balance gender equality at higher levels of government (Australasian Parliamentary Review).

An opportunity should exist for the eSafety Commissioner to work with the Australian Electoral Commission, state associated electoral commissions and local governments to expand their eSafety women program to deliver a comprehensive eSafety training program (developed by the eSafety Commissioner or associated Trusted eSafety Providers) tailored to assist candidates and Councillors in combating online bullying, harassment and trolling.

As it is a legislative requirement for a Councillor to represent the interests of the municipal community in decision-making, breaking down barriers to ensure a diverse range of voices are represented in Council and the election cycle only contributes to communities thriving across Australia; by ensuring female candidates and Councillors are not dissuaded by negative and hateful rhetoric on social media, this motion proposes a critical way to encourage women entering politics.

MAV:**Regulation of Social Media bullying towards candidates and Councillors**

That the MAV advocate on behalf of candidates and Councillors for additional resources for the eSafety commissioner, local government inspectorate and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:

- *Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';*
- *Work with local governments to develop specific support and social media management programs available for candidates and Councillors through the eSafetywomen program in the lead up to the 2024 elections.*

Rationale

Since the 2020 local elections, the use of social media as a vehicle for poor behaviour has escalated, with complaints about unfavourable interactions, false or misleading material or, at the extreme end, harassment and abuse on social media rising two and a half times (by 241 per cent) from 2016 figures (Local Government Inspectorate). Given the increased dependence on candidates and Councillors to communicate with the community via social media, greater regulation is required.

Further, it is recognised that women receive a disproportionate amount of online vitriol and attacks in comparison to their male counterparts, which serves as a barrier to participation in local politics.

The Parliament of Victoria's Electoral Matters Committee which investigated the impact of social media on Victorian elections heard that women and minority groups can be particular targets, and that the abuse they receive is often gendered, sexual, racial or otherwise discriminatory. Given the Government's target to achieve 50% representation of women councillors and mayors by 2025, actions must be taken to ensure that the proliferation of online abuse on social media does not hinder this target.

The current Adult Cyber Abuse Scheme grants the eSafety Commissioner the authority to require online service providers to remove online abuse with the intention of causing serious harm and menacing, harassing or offensive. By removing the requirement for an intent by the perpetrator to cause serious harm as a prerequisite for removing content by the eSafety Commissioner, this creates an opportunity to minimise online attacks of bullying, harassment and trolling to encourage women entering politics at a local level, thus ensuring greater community and cultural representation. The eSafety Commissioner must work with the Victorian Electoral Commission and local governments to expand their eSafetywomen program to deliver a comprehensive training program tailored to assist candidates and Councillors in combating online bullying, harassment and trolling.

As it is a legislative requirement for a Councillor to represent the interests of the municipal community in decision-making, breaking down barriers to ensure a diverse range of voices are represented in Council and the election cycle only contributes to communities thriving in Victoria.

MAV**Aggregated Reporting of Childcare Reimbursements**

“That the MAV advocate to the Minister for Local Government to amend the Local Government (Planning and Reporting) Regulations 2020 to enable details of reimbursements of childcare costs or expenses incurred by a Councillor who is a carer in a care relationship to be presented in Annual Reports as a combined amount for all Councillors and not attributed to Councillors individually.”

Rationale

The Local Government (Planning and Reporting) Regulations 2020 provides that the Annual Report include details of the expenses, including reimbursement of expenses, paid by the Council for each Councillor and member of a Council committee. Under this provision, childcare or carers expenses claimed by a Councillor in order to effectively perform their duties as Councillor must therefore be reported on. In recent times, the media have unfairly targeted Councillors who have claimed reimbursement for these costs, which has subsequently led to predominantly female Councillors being scrutinised for their reimbursement of expenses, despite such reimbursements enabling Councillors to perform their legislative role under the Local Government Act 2020 whilst balancing their carer responsibilities.

At the Women’s Leadership Summit in 2021, it was discussed that this unfair media bias has subsequently led to many Councillors not claiming reimbursement of childcare or carer expenses due to a fear of being attacked by opponents and/or the media. Whilst the reimbursement of these expenses is a right under the Council Expenses Policy, the requirement to declare these for individual Councillors in the Annual Report will continue to perpetuate an unfair characterisation of women in local community leadership positions, which in turn reinforces gender inequalities which may discourage women from entering local politics. This is concerning as female representation in local government is on average between the ages of 40-59 (Australasian Parliamentary Review); therefore, it is critical to remove any and all barriers for women to enter politics who may be parents to young children or carers. In order for communities to thrive, it is critical that any barriers and obstacles to diverse representation on Councils be removed, which was reinforced at the Women’s Leadership Summit in 2021.

Amending the requirement for Councils to identify individual Councillors reimbursed for childcare or carers expenses in Annual Reports and replacing this with a combined amount for all Councillors is a small but important act to demonstrate that the State Government is committed to removing barriers to community leadership, whilst maintaining public transparency.