



Committee Secretary  
Legal and Constitutional Affairs Legislation Committee  
The Senate  
legcon.sen@aph.gov.au

Dear Committee Secretary

### **Social Media (Anti-Trolling) Bill 2022 [Provisions]**

Thank you for your email of 16 February 2022, inviting Women's Services Network (WESNET) to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee regarding the Social Media (Anti-Trolling) Bill 2022 [Provisions].

#### **About us**

WESNET is Australia's leading non-government organisation expert on technology facilitated abuse (TFA), working closely with international experts on TFA since 2009, and training over 8500 frontline workers. The WESNET Safety Net Australia project was established in 2011, providing a wide range of training, technical advice, and policy guidance on the topics of technology safety, investigating and evidence collection, and victim privacy and security rights.

WESNET and Curtin University led a research team to oversee and publish the [Second National Survey on Technology and Domestic Violence](#). WESNET is a research partner on the Australian National Research Organisation for Women's Safety (ANROWS) led project [Technology-facilitated abuse: Extent, nature and responses in the Australian community](#).

#### **About technology facilitated abuse**

Technology facilitated abuse is a form of gendered violence and abuse, particularly implicated in domestic and family violence (DFV), using mobile, online and other technologies. TFA can include stalking and monitoring, threats and abuse, image-based abuse ('revenge porn'), as well as sexual violence and harassment.

Recent research has shown that TFA is a growing problem due largely to the rapidly evolving nature and accessibility of technology. WESNET's (2020) [Second National Survey on Technology and Domestic Violence](#) found that most DFV perpetrators used various forms of technology to intimidate, stalk and control, with the most prevalent means of TFA including

persistent and abusive use of messaging and social media applications, along with surveillance and tracking. It is clear that since the first 2015 survey the extent of TFA has increased.

A further large-scale study is currently underway, led by the Australian National Research Organisation for Women's Safety (ANROWS) and in partnership with WESNET, to better understand the nature and characteristics of TFA and to improve the evidence base to inform practice innovation and further development of prevention and responses to TFA ([ANROWS, 2021](#)).

### **Social Media (Anti-Trolling) Bill 2022 [Provisions]**

It is WESNET's view that this Bill, if passed into legislation, will have no material impact on improving women and children's safety.

As highlighted in the Bill (s. 3 - *Simplified outline of this Act*), this legislation is aimed purely at facilitating the provision of identifying information by social media services in the case of defamation proceedings. The Explanatory Memorandum goes on to explain the legislation's intention to enhance the capacity of individuals "to seek vindication by commencing defamation proceedings".

Victim-survivors of DFV are among a cohort of Australians least likely to be able to seek redress through an expensive court process. DFV is by its very nature an outcome of power imbalances, too often resulting in financial disadvantage for the victim-survivor. Women's Legal Service Victoria, in its project [Stepping Stones](#) (2015), observed that "legal and economic problems arise from family violence that result in serious financial hardship for women" and that family violence exacerbates existing gender-based economic inequalities.

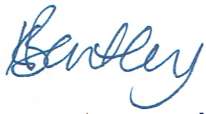
This legislation, far from improving women and children's safety, may in fact impact adversely on women and children. It is possible that a victim-survivor's anonymous comments on social media - which are often surveilled and monitored by abusers - could become the subject of defamation proceedings. These proceedings would not necessarily take into account a history of family violence perpetrated by the plaintiff.

This Bill, in attempting to dismantle online anonymity, raises a number of concerns. For example, many people who do not use their real names on social media may have legitimate, non-nefarious reasons, such as people fleeing domestic violence.

In a [recent \*New Daily\* article](#) (Butler, 2021) Dr Belinda Barnet, senior lecturer in media and communications at Swinburne University, warns that targeting anonymous users could have dangerous consequences, particularly with respect to stalking and doxxing, noting that that "...anonymity is important to your physical safety. Attacking anonymity on social media won't stop trolling, but it'll put sections of our community in danger."

WESNET thanks you for the opportunity to participate in this inquiry. If you would like to discuss the contents of the submission further, please contact me using the details below.

Yours sincerely



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*WESNET acknowledges and pays respects to the Traditional Owners and Custodians of all the lands on which we live and work.*

24 February 2022