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Monash Gender and Family Violence Prevention Centre

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June 18th 2024

Ms Delia Rickard PSM
Statutory Review of the Online Safety Act 2021

Dear Ms Delia Rickard PSM,

This letter is a contribution to the Statutory Review of the Online Safety Act 2021, commissioned by the Hon Michelle Rowland MP, Minister for Communications, within the Albanese Government. We are referencing items within *Part 3 - Protecting those who have experienced or encountered online harms*. Specifically, 3.8. *Are the thresholds that are set for each complaints scheme appropriate?*, and 3.16. *What more could be done to promote the safety of Australians online, including through research, educational resources and awareness raising?*

As academic researchers within the domestic and family violence prevention and intervention space, much of our research focuses on victim-survivors experiences of abuse through technology and online spaces. A common thread among victim-survivors lived-experience is the lack of nuance in the tools and options available to them in order to report abuse, reach out for help, and engage in self-protective and preventive strategies. Current understandings of technology-facilitated abuse - adopted by platforms and the *Online Safety Act 2021* (Cth) - focus on "the most severely abusive material intended to cause serious psychological harm or serious physical harm" (page 21 of review paper) - which does not deem that to which victim-survivors of domestic, family or dating violence are subjected. There is an implication that this is not 'severe' or 'serious'. While technology-facilitated domestic, family or dating violence may be seen as more 'minor' in harm, we contend that there are extensive impacts on a victim-survivor's wellbeing, health, sense of security, finances and lifestyle, and, death reviews have shown that there are links between technology-facilitated domestic and family violence, and domestic and family violence homicides (Harris, 2018, 2020a, 2020b; Harris & Woodlock, 2022a; McLachlan & Harris, 2022).

Domestic, family and dating violence harms are experienced as continuum of overlapping and interwoven experiences of unsafety and intrusion - of the aberrant and the ordinary (Stanko 1985). This occurs alongside online violence enacted against them by unknown persons, and persons who 'may' be known to them, particularly when women have a political, public or high profile position (Harris, 2020b). Women, gender and sexuality diverse peoples, First Nations peoples, and migrant and refugee peoples, and people with a disability also subjected to higher rates and intersecting forms of discrimination, oppression and harm, than other cohorts (see Carlson's body of work, including Carlson & Day, 2023; Harris, 2020).

Abuse and lived realities of violence cannot be understood within a single incident of so-called extreme violence (Harris, 2020; Kelly 1987; Petocz, forthcoming a and b). Rather, incidences of domestic, family and dating violence are part of a pattern of behaviour through which an abusive partner seeks to entrap, coerce, and control a victim-survivor. Technology is one tool that is weaponised, and it is increasingly co-opted by perpetrators. Platform reporting systems and the *Online Safety Act 2021* (Cth) arguably lacks the understanding or capacity to address nuance and complexity with regards to the ways domestic, family and dating abuse is experienced (see also Suzor, 2019).

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Much of the technology-facilitated abuse victim-survivors experience is much more covert, everyday, and sometimes normalised – meaning it is difficult to document within the frameworks of current laws, reporting and support seeking modes. There are also behaviours which may be seen as benign or helpful outside of a violent relationship - such as shared accounts or passwords; using certain words in social media posts or making contact through social media - which can be problematic and evoke fear and restrict the freedom of a person, in an abusive relationship. Online harms cannot be identified simply by deeming particular technologies or behaviours as harmful. It is the intent of a person (a perpetrator) and the impact (on health, wellbeing and ability to live their lives, which some have called ‘unfreedom’ and fear and risk associated with these behaviours) on a victim-survivor (see our body of work, including Harris, 2025, 2018, 2020a; Harris & Woodlock, 2019, 2022a, 2022b, 2023; Petocz, forthcoming). For the reason outlined in this response, as emphasised in Harris’s [submission to the House Select Committee on Social Media and Online Safety](#), with the Independent Collective of Survivors, with Dragiewicz and Woodlock, victim-survivor’s experiences and voices should be included and heard, and should guide legal responses to harm.

Our work (Harris, 2025, 2018, 2020a and b; Harris & Woodlock, 2019, 2022, 2023; Petocz, forthcoming a and b) shows that victim-survivors often feel unsupported when engaging justice agencies and other organisations, and platforms to prevent violence. It is on platforms where they are encouraged to spend so much of their time and energy and where their community of friends and family communicate and interact. Online, there are opportunities for civic engagement, education and employment. It is through digital channels that healthcare, finances and life is managed. To date, there have been challenges in help-seeking, regulation and prosecution of technology-facilitated domestic, family or dating violence. In seeking to navigate, prevent and mitigate harm, victim-survivors are commonly engaging in self-protective strategies, known as ‘safety work’. There is a lot of labour and energy in this process in collecting evidence of and reporting harms, and using safety controls of various platforms. This is a heavy and unfair burden for them to bear (Petocz, forthcoming a and b).

Victim-survivors commonly feel they need to or are pressured into changing their online behaviours or stop using technologies. Disengaging from technologies is often not possible or unreasonable, given the role it plays in our lives, and the benefits of technology. Additionally, it often does not prevent violence. In fact, physical violence, stalking and risk of lethal violence can increase when they disengage from technologies (Dragiewicz et al., 2019; Harris, 2020b; McLachlan & Harris, 2022). There is a lot of scope for the functions and features of apps and platforms, as well as policy responses to aid and empower victim-survivors experiencing violence. Key is nuanced forms of support, features and functions of apps and platforms, reporting methods, and legislation which effectively recognises and allows for regulation of harm. Though beyond the scope of this inquiry, we advocate for investment in prevention of harm, particularly primary prevention, and keeping perpetrators in focus, and accountable.

We also note that our research has shown that, when victim-survivors reach out for help, it is most commonly when their experiences of ‘unsafety’ go beyond their own ability to self-protect. This means that not being able to access appropriate support at this point is incredibly detrimental to young women’s safety and wellbeing. Reaching out for help is often still misunderstood or minimised by those young women disclose to, and there is important work to be done here in creating greater awareness around the experience and impact of digital forms of dating abuse to change this narrative around it being less real or impactful (Petocz, forthcoming a and b).

The State has a responsibility to prevent and regulate harm experienced by victim-survivors of domestic, family and dating violence.

Considering this, we propose that:

1. a diverse range of victim-survivors are engaged in the *Online Safety Act 2021* (Cth) review process (such as through organisations like the Independent Collective of Survivors)
2. efforts to regulate harm through the *Online Safety Act 2021* (Cth) consider how victim-survivors are not but could be aided through such legislation. We recognise difficulties in regulating many behaviours that occur in the context of

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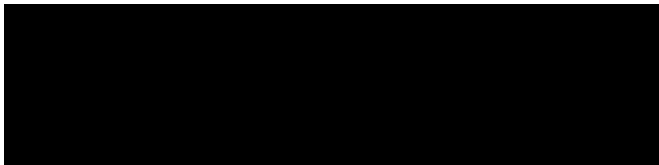
domestic and family violence, where it is the relationship context and impact of a perpetrator's behaviour - as opposed to technology or act - that is problematic. We are not suggesting that the *Online Safety Act 2021* (Cth) is the best forum to regulate technology-facilitated domestic, family, or dating violence. However, as it stands, we do not believe that the *Online Safety Act 2021* (Cth) protects all target of harm, and maintain that technology-facilitated domestic, family, or dating violence is a serious form of harm.

3. That legislation to promote safety online occurs alongside nuanced safety control functionality and features accessible on apps and platforms, transparency in what information they might be sharing without their knowledge (e.g. location etc.), and in reporting and regulation processes. We acknowledge the eSafety Commissioner's significant work in progressing this, and in advocating for greater platform responsiveness and for 'safety by design' principles to be adopted by platforms.

Thank you for the opportunity to contribute to this review. Please reach out if any further information (or a copy of the cited references) is needed regarding the content within this submission.

Yours Sincerely,

Hannah Petocz (PhD Candidate) and Associate Professor Bridget Harris



Hannah Petocz is a third year PhD Candidate within the Monash Gender and Family Violence Prevention Centre, Monash University, with a research focus on young women's experiences of unsafety and safety work around digital dating abuse within Australia.

Associate Professor Bridget Harris is the Director of the Monash Gender and Family Violence Prevention Centre, Monash University, and DECRA Research Fellow, with a research focus on intimate partner/domestic/family and sexual violence, technology-facilitated violence, and advocacy and justice administration.

