



**National Women's
Safety Alliance**

committed to ending **gender based** violence

Submission on the Statutory Review into the Operation of the *Online Safety Act 2021*

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Acknowledgement of Country

The National Women's Safety Alliance acknowledges the Traditional Owners of the land on which we work and live. We respect and honour Aboriginal and Torres Strait Islander Elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

About NWSA

The **National Women's Safety Alliance** brings together a diversity of voices, expertise, and experience to inform and guide national policy on women's safety. The NWSA, established in August 2021, connects the sector, experts, government, and victim-survivors with a shared vision to end violence against women. This will be achieved through consultation, research, and the collaborative development of expert policy advice to government.

More information about NWSA is available on our [website](#).

Introduction

The National Women's Safety Alliance welcomes this opportunity to provide feedback on the Statutory Review of the *Online Safety Act (2021)*. Given the accelerated pace of changes to online landscapes, platforms and technology there is an imperative for the act to be responsive and agile. In responding to this statutory review, our members are conscious of the intersection between online harm and the perpetration of domestic, family and intimate partner abuse. The ever-evolving opportunities of technological change can provide perpetrators of abuse with unique opportunities to sustain violence, which if left unchecked by legislative reviews, undermine Australia's commitment to ending violence against women in *one generation*.

We are conscious also, that Australia's framework for online safety has historically been guided by principles of 'user responsibility' rather than instilling a preventative and disincentivizing environment. In this narrative, victims of online harassment have been encouraged to remove their online presence or block offenders. Victims have also been left to challenge abusive or offending content through cumbersome and bureaucratic exchanges with monolithic tech companies. Sadly, in this landscape, the *potential* for online spaces to be the new frontier for intimate partner or family abuse has already passed and the intersection between intimate partner abuse and technology is entrenched. The review presents the opportunity to close some of the gaps in coverage that have emerged and create a reporting environment that empowers bystanders and survivors.

Overarching Considerations

Complaints-based removal schemes

Empowering bystanders

The Alliance holds concerns regarding the limitations of the complaints-based schemes, particularly where the right to report is limited to the individual targeted by the offending material and where arbitrary delays are in place before formal removal notices are issued. This is particularly relevant in the existing framework for a victim to respond to adult cyber-abuse.

In the first instance, the onus is on the affected individual to report the offending content. This is concerning particularly in the context of sustained intimate partner abuse, where a victim-survivor has perhaps taken steps to avoid active or passive interactions with the offender – such as through blocking the perpetrator across all platforms or taking themselves off an online platform entirely. In some cases, where sustained online harassment has been a feature of the violence, the victim-survivor may even engage their network to ‘monitor’ their abuser’s online content for material that threatens or abuses them.

Without an understanding of how tech facilitated abuse can manifest in the context of domestic and family violence, efforts to regulate and empower bystanders will not be effective. It is not unforeseeable that in such a case, the victim-survivor is unlikely to be the first person to encounter the offending material, during which time it has been widely distributed. The absence of a third-party being able to complain places responsibility entirely on a victim-survivor to engage in reporting systems during a period of immense stress. We believe that the *Online Safety Act (2021)* can be responsibly amended to permit persons known to the target of the abuse to report on their behalf.

It is important to keep in mind, that where personal protective orders are in place, sustained online harassment could be met with a police response, though evidence indicates this is not typical.¹ Where formal policing avenues are not

¹ Douglas, Tanczer, McLachlan, Harris (2023) *Policing technology- facilitate domestic abuse (TFDA): Views of service providers in Australia and the United Kingdom*. Journal of Family Violence.

easily available, the role of the E-Commission and the act should be one that makes reporting relatively seamless and empowering.

The consequences of delays

On the second point, the delay between notification and the issuing of formal removal notices, we raise further concerns that are relevant in instances of domestic, family or sexual violence. The proliferation of websites established specifically for the purpose of 'doxing' others presents a unique challenge when the onus is on the individual affected to report. Primarily, such platforms exist for the purpose of vicious retribution. The enormity of this behaviour on the life of an individual complainant, and the fear of reporting to a malicious website, particularly in the context of relationship violence cannot be overstated. Again, the opportunity to empower bystanders presents.

The Alliance also supports reducing the current 48-hour delay between requesting a removal and issuing a formal removal notice so as to limit the amplification of material.

Thank you for the opportunity to contribute to this critical reform.