

Online Safety Branch, Content Division  
Department of Infrastructure, Transport, Regional Development and Communications  
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### **Submission on Online Safety Bill**

The content of this submission addresses the Adult Cyber Abuse Scheme and, more particularly, Section 7(b) of the proposed legislation.

It is submitted that the said draft Section, which defines “*cyber-abuse material targeted at [an] Australian adult*” for the purposes of the proposed legislation, places too great an emphasis on the intentions behind the creation of the offending material, at the risk of overlooking the content and effects of the material itself. It is suggested that the draft Section be amended to read:

*An ordinary reasonable person would conclude that it is likely that the material was intended to have an effect of causing serious harm to a particular Australian adult and/or that the material was created with reckless disregard for the possibility that the material could have an effect of causing serious harm to a particular Australian adult.*

This submission is prepared in the writer’s capacity as an Australian legal practitioner for over 12 years, and as a citizen who has been the subject of an online campaign of attempting to cause harm to my reputation, my mental health, and my business, by a group of persons whom I have never met. This campaign has consisted of the fabrication of multiple and inconsistent stories that portray me in a negative light, and of the incitement of violence and harassment towards me. This has been done whilst disseminating my name, my residential address, particulars of my firm, and my Church affiliation.

The issues sought to be addressed by the draft legislation are essentially human. Humans abusing other humans. As both a recipient of abuse, and a family law practitioner who acts in high conflict family breakdowns, I am mindful that the reasons certain humans choose to abuse others are as varied as the responses such abuse evokes. It is for this reason that care should be taken not to subjugate the content of the material itself to the intention behind it.

Social media, and the internet in general, has created a powerful platform for persons who wish to make noise – and these are not always persons who are honest or who have a sense of proportionality. The effect of abusive material can be as much short-term gain for the abuser as harm for the subject. Social media is a place where those who want attention can garner it by procuring an image and telling stories. Such persons seeking out attention may be so focused on their own condition that they lose all empathy and sense of

proportionality. The creation of a “villain” in a “grievance” story<sup>1</sup> will often be as much or more for the purpose of creating a compelling story or making a hero out of the teller than for the purpose of impacting the subject. Yet the intended purpose does not necessarily impact the effect the material has on the subject, and it should not be treated as if it does.

In my work, I have on multiple occasions seen threats of online abuse for the purpose of gaining advantage in the legal proceedings. On one occasion, a threat was made by a party to disseminate unspecified deleterious (and, potentially, false) information online about the other party’s deceased relative if the proceedings were not settled on that party’s terms. In that case, the online abuse would be intended to gain strategic advantage in legal proceedings with reckless disregard for the impact it would have on its subject.

It is, therefore, recommended that the definition of cyber-abuse material targeted at an Australian adult contained in draft Section 7 of the Bill be amended as suggested herein in order to give proper weighting and acknowledgment to the content of the material itself. It is hoped that such amendment would avoid the creation of an “escape” clause for those who publish damaging material for inwardly focused reasons and without regard to the impact it has on others.

Jennifer Croker

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<sup>1</sup> See Dr Fred Lusking, *Forgive for Good* (2002).