



The Hon. Scott Morrison MP
Prime Minister

Senator the Hon. Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate
Senator for Western Australia

JOINT MEDIA RELEASE

Sunday 28 November 2021

COMBATTING ONLINE TROLLS AND STRENGTHENING DEFAMATION LAWS

In a world-leading move, the Morrison Government will introduce new court powers to force global social media giants to unmask anonymous online trolls and better protect Australians online.

The reforms will be some of the strongest powers in the world when it comes to tackling damaging comments from anonymous online trolls and holding global social media giants to account.

The reforms will ensure social media companies are considered publishers and can be held liable for defamatory comments posted on their platforms. They can avoid this liability if they provide information that ensures a victim can identify and commence defamation proceedings against the troll.

Prime Minister Scott Morrison said the rules that exist in the real world should exist online too.

“Social media can too often be a cowards’ palace, where the anonymous can bully, harass and ruin lives without consequence,” the Prime Minister said.

“We would not accept these faceless attacks in a school, at home, in the office, or on the street. And we must not stand for it online, on our devices and in our homes.

“We cannot allow social media platforms to provide a shield for anonymous trolls to destroy reputations and lives. We cannot allow social media platforms to take no responsibility for the content on their platforms. They cannot enable it, disseminate it, and wash their hands of it. This has to stop.

“These will be some of the strongest powers to tackle online trolls in the world.

“Anonymous trolls are on notice, you will be named and held to account for what you say. Big tech companies are on notice, remove the shield of anonymity or be held to account for what you publish.

“In a free society with free speech, you can't be a coward and attack people and expect not to be held accountable for it.”

The reforms will give victims of defamatory online comments two ways to unmask trolls and resolve disputes.

First, global social media platforms will be required to establish a quick, simple and standardised complaints system that ensures defamatory remarks can be removed and trolls identified with their consent. This recognises that Australians often just want harmful comments removed.

Second, a new Federal Court order will be established that requires social media giants to disclose identifying details of trolls to victims, without consent, which will then enable a defamation case to be lodged.

Importantly, the reforms will also ensure everyday Australians and Australian organisations with a social media page are not legally considered publishers and cannot be held liable for any defamatory comments posted on their page, providing them with certainty.

Attorney-General Michaelia Cash said this was in response to the Voller High Court case, which made clear that Australians who maintain social media pages can be ‘publishers’ of defamatory comments made by others on social media—even if the page owner does not know about the comments.

“Since the High Court’s decision in the Voller case, it is clear that ordinary Australians are at risk of being held legally responsible for defamatory material posted by anonymous online trolls,” the Attorney-General said.

“This is not fair and it is not right. Australians expect to be held accountable for their own actions, but shouldn’t be made to pay for the actions of others that they cannot control.

“The reforms will make clear that, in defamation law, Australians who operate or maintain a social media page are not ‘publishers’ of comments made by others.”

The Attorney General said the package of reforms would complement the defamation reforms currently being progressed in partnership with states and territories, and sit alongside the Government’s commitment to improving online safety.

“Social media providers should bear their fair share of responsibility for defamatory material published on their platforms,” the Attorney-General said. ‘This reflects the current law.’

“However, if defamatory comments are made in Australia, and social media providers help victims contact the individuals responsible, it is appropriate they have access to a defence.”

These new powers build on the Morrison Government’s other world-leading reforms, from establishing the eSafety Commissioner, to legislating the new Online Safety Act, to drafting new online privacy laws and securing support for global action to be discussed at the G20 in Indonesia in 2022.

An exposure draft of the legislation will be released in the coming week. This will provide all Australians, the industry, states, territories and stakeholders to have their say on these important new laws.