

Protected: Online hate and the law

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611 or drop into our Hobart or Launceston office. You don't need to make an appointment. We are open Monday to Friday, 8.45am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Online hate can make you feel unsafe, distressed or afraid. If someone is targeting you online because of who you are, there are laws and services that may be able to help.

What is online hate?

Online hate is content or behaviour that targets someone because of who they are.

This may include their:

- race
- religion
- ethnicity
- sex or gender
- sexual orientation
- disability.

Online hate can include:

- abusive comments
- threats
- repeated harassment
- sharing private information or images without permission
- encouraging others to target someone.

What does the law say?

The *Online Safety Act 2021* (Cth) helps protect people from serious online abuse.

The eSafety Commissioner, Australia's online safety regulator, can:

- investigate complaints
- order harmful content to be removed
- require online services to take action
- take enforcement action if the law is not followed.

Some online behaviour may also be a criminal offence. For example:

- threats of violence
- serious harassment or stalking
- sharing intimate images without consent.

Online hate may also break anti-discrimination laws. If you are targeted because of your race, sex, disability, age or sexual orientation, you may be able to make a complaint to the [Australian Human Rights Commission](#) or your State or Territory anti-discrimination body.

What is serious online abuse?

Generally, the behaviour must be serious enough to cause significant harm.

This may include:

- serious emotional distress
- psychological harm
- fear for your safety
- threatening or menacing online content.
- Not all offensive or hateful content meets this legal test.

Even if it doesn't, you can still report it to the eSafety Commissioner, get legal advice or seek support.

What can I do?

If you experience online hate, you should:

Save evidence

Keep:

- screenshots
- links to the content
- usernames
- dates and times.

Report the content

Report the content through the website, app or social media platform you are using.

Block the person

Blocking the account may stop further contact.

Check your privacy settings

Limit who can:

- contact you
- see your profile
- comment on your posts.

Contact police

Report the matter to police if you have been threatened, fear for your safety or think a crime has been committed.

Get legal advice

A lawyer can explain your rights and your options.

How do I make a report?

You can report serious online abuse at: www.esafety.gov.au/report.

Before you report, try to collect:

- screenshots
- links to the content
- details of the account involved
- evidence that you reported it to the platform first.

The eSafety Commissioner will decide whether your complaint meets the legal requirements and what action, if any, can be taken.

I was a Royal Commission witness. Can I get help?

If you took part in a Royal Commission and are now experiencing online hate or abuse, legal help is available.

Keep copies of the abusive content, report it where you can, and get legal advice about your options.

The Royal Commission Legal Assistance Service (RCLAS) can provide confidential legal advice, help you understand your rights, and assist with complaints and referrals to support services.

Looking after yourself

Online hate can have a big impact on your wellbeing.

It may help to:

- take breaks from social media
- limit your exposure to upsetting content
- talk to someone you trust
- seek counselling or other support.

Need more information?

You can find more information from:

- the [eSafety Commissioner](#)
- the [Australian Human Rights Commission](#)
- the [Office of the Anti-Discrimination Commissioner](#)

If you are unsure about your rights, get legal advice as soon as possible.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.