

## **Joint Select Committee on Social Media and Australian Society**

### **Attorney-General's Department**

**Hearing date:** 02 July 2024

**Question date:** 02 July 2024

**Andrew Wallace asked the following question:**

Have there been any class actions or individual legal actions brought against social media platforms for breach of duty of care in Australia or in other common law countries?

**The response to the question is as follows:**

The Attorney General's Department (AGD) consulted the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) and the Office of the eSafety Commissioner on this question.

DITRDCA advised that it is aware of the following negligence case in the United States: *Doe v MySpace, Inc.*, 474 F. Supp. 2d 843 (W.D. Tex. 2007), and appeal: *Doe v MySpace Inc (2008)* No. 07-50345 (United States Court of Appeals, Fifth Circuit).

## **Joint Select Committee on Social Media and Australian Society**

### **Attorney-General's Department**

**Hearing date:** 02 July 2024

**Question date:** 02 July 2024

#### **Andrew Wallace asked the following question:**

What is the effect of Section 230 of the Communications Decency Act of 1996 (US) upon Australians who may be looking to bring an action against a social media platform based in the US?

#### **The response to the question is as follows:**

It would not be appropriate to provide legal advice on the potential effects of section 230 of the Communications Decency Act 1996 (US).

## **Joint Select Committee on Social Media and Australian Society**

### **Attorney-General's Department**

**Hearing date:** 02 July 2024

**Question date:** 02 July 2024

#### **Andrew Wallace asked the following question:**

Have there been any instances where US-based social media platforms have relinquished their contractual, statutory, or other legal rights to rely on Section 230 of the Communications Decency Act of 1996 (US) in the United States or any other country?

#### **The response to the question is as follows:**

The Attorney General's Department (AGD) is not aware of cases where social media platforms have relinquished their legal rights to rely on section 230 of the Communications Decency Act of 1996.

AGD consulted the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) and the Office of the eSafety Commissioner in the preparation of this response.