

27/02/2022

Dear Hon. Legal and Constitutional Affairs Legislation Committee,

RE: Social Media (Anti-Trolling) Bill 2022 [Provisions]

I thank the committee with respect for the opportunity to provide the following submission.

Background

I am an academic scholar of humans and online behaviour, and I have published prolifically on the psychology and behaviour of Internet Trolling. This submission draws heavily on the extant literature on Internet Trolling. There are two considerations of this submission (1) the terminology adopted, and (2) the requirement for an additional bill.

Terminology

Social Media

The term “social media” refers to specific digital platforms that allow users to generate media and content to share in their social networks. To clarify, the term *social media* is different from *Social Networks Sites*. Social Networking Sites (or SNSs) traditionally refer to digital spaces where users create and maintain online relationships and networks. Originally, social media referred to a digital space where media could be created (e.g., photos, music, videos, memes) and shared amongst networks. The two terms have become interchangeable now, given that most SNSs have the capacity to create and share media. However, it is pertinent for any bill targeting social media behaviour to be cognisant of these terminology differences. Not all SNSs are social media, and not all online platforms are social media. There are two possible methods to address this. First, to provide a contemporary definition of social media

- Any online resource that is designed to facilitate engagement between individuals (Aichner, T., Grünfelder, M., Maurer, O., & Jegeni, D. [2021]. Twenty-five years of social media: a review of social media applications and definitions from 1994 to 2019. *Cyberpsychology, Behavior, and Social Networking*, 24(4), 215-222.)

Alternatively, to adopt a “catch-all” terminology

- Online social platforms (see Rhee, L., Bayer, J. B., Lee, D. S., & Kuru, O. [2021]. Social by definition: How users define social platforms and why it matters. *Telematics and Informatics*, 59, 101538.)

Internet Trolling

Perhaps the greatest concern I have with the current draft bill is the use of the term trolling. The term trolling appears once – in the title of the bill. Meanwhile, the term defamation appears repeatedly throughout the bill. Internet trolling is a complex and rich construct that consists of a multitude of categories, each with their own range of facets. Adopting the term in the title of a bill, yet only referring to one possible behaviour associated with the construct of trolling (i.e., defamation) indicates a significant misuse of the term. My current concern is that the term is adopted for “buzz-word” purposes, with no real consideration of the richness of the construct. Numerous definitions of Internet Trolling exist in the literature. I draw your attention to the following literature excerpts:

- “Online trolling is the practice of behaving in a deceptive, destructive, or disruptive manner in a social setting on the Internet with no apparent instrumental purpose” (Buckels, E. E., Trapnell, P. D., & Paulhus, D. L. [2014]. Trolls just want to have fun. *Personality and Individual Differences*, 67, 97-102.)
- “Trolling is the deliberate provocation of others using deception and harmful behaviour on the Internet which often results in conflict, highly emotional reactions, and disruption of communication in order to advance the troll's own amusement” (Sest, N., & March, E. [2017]. Constructing the cyber-troll: Psychopathy, sadism, and empathy. *Personality and Individual Differences*, 119, 69-72.)
- “‘Trolling’ refers to a specific type of malicious online behaviour, intended to disrupt interactions, aggravate interactional partners and lure them into fruitless argumentation. However, as with other categories, both ‘troll’ and ‘trolling’ may have multiple, inconsistent and incompatible meanings, depending upon the context in which the term is used and the aims of the person using the term” (Coles, B. A., & West, M. [2016]. Trolling the trolls: Online forum users constructions of the nature and properties of trolling. *Computers in Human Behavior*, 60, 233-244.)
- “Internet trolling as a concept has transformed in definition in recent years from classical trolling, which was the posting of messages in a friendly way, to Anonymous Trolling, which is posted to harm others” (Bishop, J. [2015]. Trolling is not just a art. it is an science: The role of automated affective content screening in regulating digital media and reducing risk of trauma. In *Handbook of research on digital crime, cyberspace security, and information assurance* (pp. 436-450). IGI Global.)

In our 2019 paper *A Qualitative Analysis of Internet Trolling*, Dr Jessica Z. Marrington and I discuss the need to adopt clear and consistent terminology when addressing Internet Trolling. Trolling is often incorrectly, and even dangerously, adopted as a catch-all term to describe any antisocial behaviour online. One way trolling may best be understood relates to the intention of the poster (i.e., the “troll”). Does the troll intend to amuse their audience, or does the troll intend to [psychologically] harm their target? Should the intent be to harm – which I now refer to as malicious trolling – my recommendation is to refer to this behaviour as *Cyber Abuse* (as per Office of e-safety commission of Australia).

It is also pertinent to note that nowhere in the operational definitions I have provided above does the term defame or defamation appear. As such, it is my strong recommendation that **the term trolling is removed from the title of this bill.**

The Requirement for an Additional Bill

The need for an additional defamation bill to target social media/online social platforms outside of the existing Defamation Act is unclear. The proposed Social Media (Anti-Trolling) Bill solely addresses online defamation, not Internet Trolling – or at least, only an element of Internet Trolling. As such, perhaps a more streamlined process would be to introduce changes to the Defamation Act to address defamation on social media/online social platforms.

Thank you for the opportunity to provide this submission.

Kind regards,

Evita March, PhD