



General guide

Online Hate and the Law: What You Need to Know

This fact sheet provides general guidance about how to deal with online hate. It should not be relied upon as legal advice. We recommend you talk to a lawyer from our service.

What is online hate and online abuse?

Online hate is content shared online that attacks or targets a person because of who they are. This can include their race, religion, ethnicity, sexual orientation, disability, or gender. It can include abusive comments, threats, harassment, or the spread of harmful stereotypes.

Some online hate may also be considered 'adult cyber abuse' under Australian law. This is when online behaviour seriously harms the mental or physical health of an adult, such as repeated harassment, threats, sharing private information or images without consent, online stalking, or coordinated attacks.

What does the law say about online hate?

The *Online Safety Act 2021* (Cth) gives the eSafety Commissioner powers to act where online abuse causes serious harm.

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

- investigate reports of serious online abuse
- require platforms to remove harmful content
- hold individuals and service providers (such as social media platforms) accountable
- take enforcement action for non-compliance

Enforcement action can include legal notices or orders to remove content or stop harmful behaviour. Significant financial penalties can also apply.

Some online conduct may also constitute criminal behaviour which can be investigated by the police. Examples may include threats of violence, serious harassment or inciting hatred.

Online hate can also breach anti-discrimination and vilification laws. If you are targeted online because of your race, sex, disability, age, or sexual orientation, you may be able to lodge a complaint with the [Australian Human Rights Commission](#) or relevant State or Territory based anti-discrimination body.

What can you do if you experience online hate?

If you are experiencing or witnessing online hate, you can:

- Save evidence (screenshots, links, usernames, dates)
- Report the content on the platform, app or website
- Block the person
- Review your privacy settings to limit who can view your profile, comment on your posts, or contact you, which can help prevent further abuse and protect your personal information
- Report any threat or harassment to police
- Contact a solicitor

You can also make a complaint to eSafety Commissioner if the content causes **serious harm** to you or someone else.

Serious harm includes experiencing serious emotional distress, psychological trauma, fear for your safety, or having viewed menacing content.

Why “serious harm” matters

The eSafety Commissioner can only act where the legal threshold for serious harm is met. Not all offensive or hateful online content will meet this threshold.

Even if the threshold is not met, you can still report content to platforms, seek support, or get legal advice.

Making a complaint to eSafety

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

When making a report it is helpful to provide:

- Your contact details or you can report anonymously
- Links (URLs) to the harmful content
- Screenshots or copies of the content
- Information about the person or account (if known)
- Evidence that you have reported the content to the platform first

eSafety will assess if the legal threshold is met. If it is, they may take action (like contacting the platform and ordering content removal).

You will usually be updated about the progress and outcome of your complaint. However, the eSafety may not be able to share all details of any enforcement action taken.

If you were a witness to the Royal Commission and are experiencing online hate

If you participated in a hearing or public process and are now experiencing online harm, you may have additional safety and support options available. You should document and report all harmful content and seek legal advice about your rights and next steps.

RCLAS can assist you with confidential legal advice and support. We can help you understand your rights, assist with complaints and reporting processes, and make referrals to other support services.

Looking after yourself

Experiencing online hate, or hearing about it during public hearings, can be distressing and overwhelming.

It can help to take regular breaks from social media and news coverage, and to limit your exposure to upsetting content. Seek support from someone you trust or counselling services and get advice on what strategies you can use to manage the impact on you.

Key contacts for more information

- Online hate | eSafety Commissioner: <https://www.esafety.gov.au/young-people/online-hate>
- Dealing with online abuse - Crime Stoppers NSW: <https://nsw.crimestoppers.com.au/dealing-with-online-abuse/>
- Online rules for communicating and sharing: <https://www.nsw.gov.au/education-and-training/digital-citizenship/online-rules>
- Addressing hate: <https://www.homeaffairs.gov.au/about-us/our-portfolios/social-cohesion/about-social-cohesion/addressing-hate>
- Tips to staying safe online | NSW Government: <https://www.nsw.gov.au/education-and-training/digital-citizenship/online-safety/tips-to-staying-safe>
- Australia's anti-discrimination law | Attorney-General's Department: <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/australias-anti-discrimination-law>

Remember: If you are in immediate danger or facing harm, please contact 000. If you have experienced criminal conduct, please contact the Police.

Contact the Royal Commission Legal Assistance Service for free, independent and confidential legal advice.



1800 976 198



RCASClegalhelp@nationallegalaid.org.au



For more information use the QR code or visit
nationallegalaid.org.au/national-services/rcasc-legal-help



An interpreter can be arranged upon request.

If you are hearing or speech impaired, you can contact us by calling the National Relay Service on **133 677** (TTY) or **1300 555 727**

You can find more contact options to suit your needs, on the National Relay Service website via **www.accesshub.gov.au**

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**Royal Commission
Legal Assistance Service**

Disclaimer: This information is intended as a general information guide only. It should not be relied upon as legal advice. We recommend that you speak with a lawyer about your individual situation.



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