



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

25 February 2022

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

via email: legcon.sen@aph.gov.au

Dear Sir/Madam

Social Media (Anti-Trolling) Bill 2022

We welcome the *Social Media (Anti-Trolling) Bill 2022* (the Bill). The Bill's protections for administrators and liability for social media providers are important steps in addressing the impact 'trolling' can have on a small business.

Social media has become integral to small business operations as a result of consumer dependence on platforms such as Google, UberEATS, and Facebook. However, content on these platforms can do immediate and lasting damage to a small business' reputation and viability, and more should be done to provide support and protections for small business. As such we offer the following comments.

1. We recommend the Bill do more to encourage social media providers to remove malicious reviews that do not reflect real customer experiences ('fake reviews'). Our office has assisted several businesses in dealing with fake reviews. These reviews cause significant distress to the financial and mental health of small business operators and their employees.

The pandemic has exacerbated this issue with orchestrated fake review campaigns targeting businesses seeking to comply with restrictions and mask mandates. Whilst the 'complaints scheme' in the Bill encourages social media companies to ensure effective processes are in place to respond to complaints retroactively, more should be done to ensure the proactive removal of unfounded and malicious reviews. We appreciate and highlight recent actions Google has taken, employing algorithms that recognise unusual patterns in reviews and react accordingly without the need for a business owner to make a formal complaint.

2. Further consideration should be given to addressing the power asymmetry in disputes between small businesses and large social media corporations. As per our submission to the Select Committee on Social Media and Online Safety, the formation of a Federal Small Business Claims List as part of the Federal Circuit Court of Australia to provide affordable and determinative dispute resolution services to small business would address this issue.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Lachlan Bayliss on 02 5114 6131 or at lachlan.bayliss@asbfeo.gov.au.

Yours sincerely

The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman