

I am writing to provide my feedback on the proposed Online Safety Bill.

Firstly, I would like to acknowledge that trying to create a safe space for children and adults alike online, where they are free from abuse is an important goal.

I would also like to specifically acknowledge the inclusion in Part 8 of an exclusion regarding depictions that serve genuine artistic purposes. While still potentially disturbing to view, artistic depictions of certain content can serve positive purposes when done correctly and distributed with thoughtfulness of who the consumer is.

I do have some concerns however, primarily with Part 9.

Part 9, Division 3, Section 114: There are no provisions or acknowledgement regarding 18+ domains.

This seems to be a massive oversight.

I am aware that enforcement of age restrictions is even more difficult to police and enforce online than in physical settings. But should the responsibility for that not fall on the parties responsible for a minor's wellbeing, EG the parents or guardians. It should be their responsibility to ensure that proper parental controls are setup regarding their home internet service and child's online capable devices.

The alternative that this bill seems to be aiming for currently, is that there can be no adult online spaces. If this is the goal, then this section of the bill is not in the best interest of the Australian people, but an undemocratic forcing of fringe moralistic principles on a people who given the choice would likely vote against such views.

Section 119. Reads almost identical to section 114 except for the change of removal notice to remedial notice.

There is no differentiation between why certain content would receive a remedial notice or a removal notice. As currently written, it would be solely up to the digression of the person in charge of making any individual decision. This is completely unacceptable. If there is a provision for remedial notices to be given in place of removal notices, (which there should be) then it should be hierarchal process, where remedial notices are always the first option and removal notices only issued after failure to take remedial action. Otherwise the system is impossible to implement consistently and fairly.

Furthermore, the specifics of a restricted access system involve are completely unspecified. I have checked the legislation act 2003 to be sure it wasn't defined there, that reference is regarding the legislative power to dictate the creation of a restricted access system. More details regarding what forms that could take need to be specified before this bill can be passed into law.

These issues I have identified repeat for all following sections of Part 9 regarding the different platform types.

My final issue with the proposed bill is not related to any specific section but rather something that appears to be missing from the bill entirely. The bill is supposed to be aimed at stopping online abuse but focuses only on the takedown of content, completely overlooking the fact that one of the most prolific forms of online abuse on content driven platforms (Instagram, tiktok, twitter, etc) is the abuse of content takedown systems. Individuals constantly take malicious advantage of the platforms opting to takedown everything rather than actually checking to see if individual pieces of content actually warrant action, largely due to fear caused by bills such as this ironically. They make completely inaccurate reports about the nature of content to have it taken down and harass the creator/poster. On top of the emotional abuse this involves, it often is used to maliciously impact people's earnings when their business is heavily reliant on social media advertising, including the stress of forcing individuals to deal with the possibility of having their accounts unfairly deleted and going through drawn out review processes to correct the issues. Currently even when an individual has strings of subsequent content taken down then restored upon review, all platforms refuse to take any form of action regarding identifying parties who consistently make false reports and creating repercussions for such malicious targeting.

Without any clauses addressing such issues, this bill will just become another tool for such people to pursue their abuse of others. It will become another example like the recent attempted religious freedom bill, or the USA's FOSTA/SESTSA debacle, a bill with a stated purpose that in practice does more harm and further facilitates the actions it is supposedly intended to cease instead.