

This bill while drafted with the best of intentions it is of my belief that this is something that has more potential to do more harm than good due to bad faith actors. In short due to what I have seen with a similar systems and corporate only following the letter not the spirit of laws this will give people who wish to censor or troll people with false complaints of abuse or bullying.

My feelings is that this has the potential to be abused by bad faith actors to take down content for malicious reasons such as harassment and censorship.

Would the eSafety Commissioner or the relevant Platform be taking the content down before reviewing the case, if so how would the eSafety Commissioner or the relevant platform be able to verify whether the complaint was issued by the victim or that the content was actually of a malicious nature? If corporations start to treat bullying and harassment like they do with Copyright claims this could get messy very quickly as they tend to operate on shoot first and check to see if was a legitimate problem later with no regard if the claimant was in the right to begin with.

If each was to be manually reviewed it could be believed that it would easily be conceived that the amount of cases would pile up to the point that it would be untenable to do within an reasonable amount of time.

To cite a system that would be used in a similar manner is the DMCA takedown system used by Youtube, it has been known for years that is has been abused for malicious purposes such as censorship or profiting off other people work, as the system favour the reporter over the defendant to the point you do not need to prove that you own the content in question or even who you say are to have a video taken down and/ or gain the revenue generated from the video would have gained due the time the video is being disputed. Example of this would be video game developers/ publishers copystriking the videos either calling out shady practices or give unflattering reviews of their content.

How would the eSafety Commissioner be able to verify whether the claimant has been authorised or entitled to act on the behalf of the depicted person or if the claimant is an Australian resident as services such as VPN's allow you to change what country you are coming from. I have concerns that those very same bullies would abused this to silence their target, hate group or foreign actors falsely claiming content that goes against their ideologies or goes after them.

An example of this when an Zoom executive had Zoom calls terminated and banned about Tiananmen Square Commemorations for due to false breaches and I fear this could allow other foreign actors to abuse these safeguards for their own ends as such technologies as VPN's could disguise the claimants true location.