George Mitri

[redacted]

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Online Safety Branch Content Division
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2600

To whom it may concern:

RE: Consultation on a Bill for a new Online Safety Act

I am deeply concerned about some provisions contained within this exposure draft of the Online Safety Bill released on the 23rd of December 2020.

In particular, I am concerned with:

1. Shoehorning an old classification system into a new online context. The definition of Class 1 and 2 material in this bill uses the existing framework under the Commonwealth Classification Act 1995 and National Classification Code 2005. Time has not aged these classifications well: reviews of this system have not addressed concerns about these classifications, particularly by content creators of all stripes, well at all. There hasn't been an attempt to improve the system, so it should not be reproduced in the online safety bill.

2. A potential for executive overreach: the commissioner has wide discretion to make decisions about all sexual content. Within this framework, the unelected commissioner, and bureaucrats serving under the commissioner, can decide unilaterally whether or not to initiate investigations, and issue removal notices as they see fit. They also have no obligation to report on the reasons for their subjective decisions.

3. As a consequence, commissioners aren't required to publish data on what they enforce and why, so the public can evaluate their effectiveness censoring content, or otherwise. If there's no published data on their subjective definitions of harmful content, how are content creators going to have the ability to edit their content to comply with commissioners subjective tastes?

4. The bill permits the commissioner to create restricted-age access systems. Unfortunately, no feasible implementations of such a system exist: both the Australian Government and the UK government have considered age-verification

processes. The UK ended up dismissing their system because of major issues relating to privacy and feasibility.

5. Finally, in relating to s34(2) - "An investigation under this section is to be conducted as the Commissioner thinks fit": there is no hint of due process in this at all. If a subjective commissioner, whose rationale won't be disclosed and whose performance cannot be assessed, can be judge, jury and executioner in this, how can the public have any sense of trust that decisions as fraught and as prone to bursts of censorious fashion as 'safe content moderation' are being carried out in good faith, guided carefully within jurisprudence?

I hope you take these matters into consideration upon reviewing this botched legislation.

Sincerely yours,

George Mitri