



18 February 2021

Director  
Online Safety Research and Reform Section  
Department of Communications and the Arts

*Via email: [onlinesafety@communications.gov.au](mailto:onlinesafety@communications.gov.au)*

## **Re Proposed Online Safety Act**

Dear Sir / Madam

### **Introduction**

Adani Australia commends the Australian Government's commitment to keeping Australians safe online and welcomes this opportunity to contribute to the consultation process leading to the enactment of the Online Safety Act (the Act).

Adani Australia (Adani) is a multi-dimensional resources and infrastructure group, dedicated to delivering energy solutions for an advancing world. We are part of the Adani Group which is an integrated business conglomerate headquartered in India. The Group's diverse businesses include energy, resources, logistics, agribusiness, real estate, financial services, defence and aerospace.

Since 2010 the company has invested in excess of AU\$5 billion in Australia and represents the largest Indian investment in Australia to date.

With more than 2,000 people employed on the Carmichael Mine and Rail construction project alone, such investment has created and will continue to create, strong employment growth and significant value for the Australian economy.

Our operations in Australia include the North Queensland Export terminal located at Abbot Point North Queensland, the Bowen Railway Company, Bravus Mining and Resources which will operate the Carmichael Mine (currently under construction), and the Rugby Run Solar Farm at Moranbah.

Over the past decade, Adani has been the subject of continuing online campaigns coordinated by anti-fossil fuel activist organisations. In our experience, these online campaigns seek to perpetuate blatantly false or deceptive information about our company's activities in Australia that serves to misrepresent and incite alarm and fear.

Many campaigns orchestrated by such organisations (a number of which are foreign-funded and influenced, despite being registered Australian charities) deliberately seek to provoke action against Adani, its contractors and employees through the use of illegal, intimidatory and threatening tactics that completely disregard the safety of

others. Further, the company has been the subject of continuous online racist hate speech.

The primary objective of these campaigns is to undermine the reputation of Adani and to halt or delay the construction of the Carmichael Mine, a coal mine located in North Queensland which has secured all Federal and State environmental approvals. Adani recognises that one of the benefits of living in a democracy is that everyone is entitled to voice their opinion, provided they are doing so legally, without hurting others (or themselves) and to use factual information when expressing an opinion.

Given the scale and nature of online harassment, coercion, abuse and doxing that has been experienced by Adani, its contractors and their employees through online campaigns, we seek to apply that experience to some of the components of the draft Bill and the questions poised in the Discussion Paper.

## **Objects of the new Act**

### *Questions*

- 1. Are the proposed high level objectives appropriate? Are there any additions or alternatives that are warranted?*
- 2. Is the proposed statement of regulatory policy sufficiently broad to address online harms in Australia? Are there aspects of the proposed principles that should be modified or omitted, or are there other principles that should be considered?*

Based on our experience we submit that there is a very strong case for the objects of the new Act to include a prohibition on the online posting of personal information.

The Discussion Paper identifies doxing as one of the evolving list of online harms.

Doxing is defined as *the action of finding or publishing private information about someone on the internet without their permission, especially in a way that reveals their name, address, etc.*<sup>1</sup>

Adani is most concerned about the increased usage of doxing as part of activist campaigns where personal information including names, mobile and direct telephone numbers, and email addresses and one situation the home address of an executive, are released online and distributed to their followers.

While some posts contain personal information where followers are advised to 'politely' contact that person, the reality is that many of these direct communications are menacing, offensive and can cause serious distress and harm to an individual. As an example, executives and managers from Adani contractors have received a significant volume of phone calls and texts (many threatening and abusive) to their mobile phones. Others have had their calendars jammed with meetings to the point

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<sup>1</sup> Cambridge Dictionary

where they are unusable, and in extreme cases activists have shown up to people's personal homes, with their families present, demanding an audience. These occurrences were only possible due to activists publishing personal details on social media platforms.

As a company we have seen first-hand the personal distress caused by doxing and the impact it has on the mental and physical health.

It is our submission that the online release of personal information without express authorisation of the individual/s should be illegal. We submit the Government should use this opportunity to seriously confront the cause of much online harm, namely the release of personal information.

### **Basic online safety expectations**

#### *Questions*

3. *Is there merit in the BOSE concept?*
4. *Are there matters (other than those canvassed in the Charter) that should be considered for the BOSE? Are there any matters in the Charter that should not be part of the BOSE?*
5. *What factors should be considered by the eSafety Commissioner in determining particular entities that are required to adhere to transparency reporting requirements (e.g. size, number of Australian users, history of upheld complaints)?*
6. *Should there be sanctions for companies that fail to meet the BOSE, beyond the proposed reporting and publication arrangements?*

It is our experience that there is a significant gap between the Service Provider Responsibilities under the Online Safety Charter and what occurs in practice.

Over the past eighteen months we have observed significant inconsistencies in the way social media organisations apply their rules and policies, particularly in respect to bully and harassment, racism, hate speech, inciting violence and dangerous behaviour.

Adani has lodged numerous complaints to social media organisations via their respective reporting and complaints mechanisms. Of those complaints, the vast majority remain unresolved or ignored.

Unfortunately, in our experience, this self-regulatory regime applying to social media organisations is seriously lacking.

Social media platforms fail to properly monitor their own platforms to ensure the content posted complies with their own rules, standards and policies. They fail to remove abusive content designed to harass people and organisations associated with

our company which often causes distress to our employees, suppliers and business partners, even when it directly breaches their own rules and standards.

The customer service teams are non-existent or not accessible to platform users, which is inconsistent with contemporary business practices and expectations of customer service. There appears to be no person or team that can be contacted either by email or phone to request updates on complaint progress, or if there is, they are not publicised. It is for this reason that we support a regulated timeframe for response.

It is our submission that there is a strong case for the Government to introduce the Basic Online Safety Expectations as part of its commitment to keeping Australians safe online.

Social media organisations have rules and policies regarding content that is allowed on their platforms, which state that in relation to abuse and harassment, you may not call for, or make statements of intent to engage in, bullying and / or harassment, including threats to release people's private phone numbers and addresses.

We have experienced occasions where these rules and policies have been breached and yet the content has been allowed to remain by the social media organisation, often causing distress to employees and suppliers of our business. Social media platforms have published rules and standards that state they do not allow hate speech, the promotion of violence, threats, or harassment of other people because of their race, ethnicity, national origin, caste, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease. There have been instances of harassment of individuals within our company, and our business as a whole, based on content that denigrates race, ethnicity and national origin. This racist material is deeply inappropriate. On numerous occasions we have requested the social media organisations remove it from their platforms and ensure similar new material is not published. Our requests are rarely responded to or supported.

## **Establishing a new cyber abuse scheme for adults**

### *Questions*

- 11. Is the proposed application of the cyberbullying and cyber abuse schemes to designated internet services and hosting services, relevant electronic service and social media services, appropriate?*
- 12. Is the proposed take-down period of 24 hours reasonable, or should this require take-down in a shorter period of time?*
- 13. Do the proposed elements of a definition of adult cyber abuse appropriately balance the protection from harms with the expectation that adults should be able to express views freely, including robust differences of opinion?*

*14. Should the penalties differ under a cyber abuse scheme for adults and the cyberbullying scheme for children?*

*15. What additional tools or processes, in addition to removal notices, could be made available to the eSafety Commissioner to address cyber abuse occurring across the full range of services used by Australians.*

Against our submission above relating to the lack of response to complaints by social media organisations, considering the serious harm that can be caused to an individual by an online posting/s we submit that 24 hour take-down period should be the maximum amount of time that this process should take.

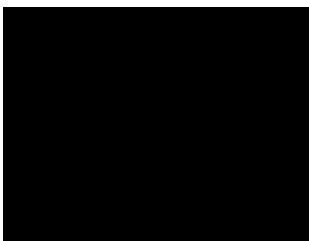
### **Role of the eSafety Commissioner**

We support the provisions of the Bill which will give the eSafety Commissioner power to order the takedown of seriously harmful online abuse in cases where platforms fail to act on a legitimate complaint.

We trust that these comments are of assistance the Government in the development of the Online Safety Act. We possess extensive material and examples to support our observations and assertions and we would be pleased to provide further information should this be required. Adani looks forward to seeing the Australian Government's progress with online safety reform.

For further discussion and information regarding our submission, please contact Paul Fennelly, Head of Government and Corporate Affairs.

Yours sincerely



Lucas Dow  
**Country Head and Chief Executive Officer**