

Submission to Parliamentary Joint Committee on Intelligence and Security on Foreign Interference Transparency Scheme Bill 2017 Amendments

Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House Canberra ACT 2600

June 15, 2018

Dear Chair,

Thank you for the opportunity to provide a submission to the Parliamentary Joint Committee on Intelligence and Security on the amendments proposed to the Foreign Interference Transparency Scheme Bill 2017.

We welcome many of the amendments put forward, which serve to clarify the position of Change.org as a company under the Bill. However, we continue to have concerns about the implications of this Bill as it relates to the content that we may host as a disseminator.

In this letter, we outline more information about Change.org, how it is used by Australians, and our recommendations for the final Bill.

About Change.org

Change.org is the world's largest petition platform with over 200 million users globally. Our mission is to empower people everywhere to create the change they want to see, and our vision is a world where no one is powerless.

In Australia, 5 million people – around 1 in 5 adult Australians, and about 20% of the country's Internet using population – have used Change.org to start or sign petitions on the most pressing issues in their lives and communities.

Change.org is a non-partisan, open platform that empowers *anyone* to campaign on *any* issue, regardless of their political views. As a result, there is an extremely wide range of petitions available to sign on the website. There are petitions about political, social, and economic issues, alongside

petitions about entertainment, sports, and popular culture. Change.org is a perpetual snapshot of what Australians are working hard to change at any given moment.

As a company, we don't take a position on specific petitions or political parties. This means that a politician or CEO who is addressed as the recipient of a Change.org petition can trust that it represents the voice of people from a great diversity of backgrounds, rather than one constituency or advocacy group.

Change.org users' impact

The impact of Australians using Change.org has been tremendous. 841 petitions in Australia have won the change they sought, and over half of Change.org's Australian users have signed a winning petition. Below are just a few of the inspiring stories of the Australians who have used Change.org to win.

Carly's Law against online predators

Petition link: <https://www.change.org/carlyslaw>

Sonya Ryan's 15 year old daughter Carly was the first child murdered by an online predator in Australia, after a paedophile spent 18 months grooming her online. Sonya channelled her grief into campaigning for a law to make it illegal for adults to misrepresent their age to minors online for the purpose of grooming with the intent to meet that child. She started a petition on Change.org, and gained the support of 98 000 people who signed it. Prime Minister Malcolm Turnbull, Opposition Leader Bill Shorten and Senator Nick Xenophon all met with Sonya, responded to her petition and worked to pass "Carly's law", a federal law that today protects the lives of thousands of children.

Josie's win to protect families from domestic violence

Petition link: [change.org/violenceeducation](https://www.change.org/violenceeducation)

Last year, 16 year old Josie Pohla was featured in [The Sun Herald](#) as one of the four women changing the face of Australian activism. But, like most Change.org users, she's not your typical activist; Josie's inspiring story began two years before when she started a Change.org petition at age 14, initially anonymously, soon after her mother committed suicide as a result of ongoing domestic violence. Josie's petition called for domestic violence education to be taught in all schools in NSW, so students can seek help for their families before it is too late. Josie's story moved 100 000 people to sign her petition, and she successfully convinced the NSW government to include domestic violence education in the education curriculum, that today protects thousands of families at risk.

Katrina's win against cyberbullying

Petition link: [change.org/banbullyingapps](https://www.change.org/banbullyingapps)

On January 8 2018 just five days after the tragic suicide of Dolly Everett as a result of cyberbullying Rockhampton mother Katrina Collins started a petition about her own daughter who had received horrific messages through the popular messaging app Sarahah telling her to kill herself. Katrina sought to have Sarahah removed from the Google and Apple app stores. Within just over a month, Katrina gained almost half a million signatures on her petition from around the world, and Apple and Google were convinced and removed the app from its stores. Furthermore, her petition moved the CEO of Sarahah to implement new safety features and age restrictions, which he outlined in a direct response to all petitioners. This is just one example of many where everyday Australians have used Change.org to exert unprecedented influence over CEOs and companies to do better.

Change.org's business model

Founded and headquartered in San Francisco, California, and with offices in 17 different countries, Change.org has a small office in Sydney where staff work to promote the platform and elevate the voices of those who use it.

Change.org offers a free service, but is incorporated as a company to sustain the costs of a global website, such as engineers, servers, and offices, and so that it can continue to scale and expand. However, unlike many companies, Change.org does not exist to make a profit – we exist to make an impact. All revenue we make is reinvested into the platform to help empower people to win their campaigns. We are both certified and incorporated as a Benefit Corporation, which means we are held to high standards of social and environmental performance, accountability, and transparency set by an independent certifying group called [B Lab](#), and our social mission is legally part of the company's corporate charter.

Change.org's operations in Australia are funded by our Australian users, who choose to contribute regularly to sustain the free platform via a membership program. In Australia, Change.org has 3,300 such members. Change.org Australia is also financially connected to its headquarters in the US, Change.org Inc, which is funded by US members and social impact investors. Australians can also pay to promote their favourite petitions to other Change.org users, and eventually will also be able to directly support the crowdfunding efforts of petition starters.

Impacts of the Bill and amendments

As mentioned, we welcome many of the amendments put forward that narrow the scope of the Bill. Specifically, we ask that the following amendments are upheld:

1) Uphold the narrowing of foreign principal

We welcome the narrowing of the definition of “foreign principal” to foreign governments and foreign political organizations, and the clarifications that private international companies would not be considered foreign principals unless it can be shown they are closely related to a foreign government or political organisation. All Change.org entities are non-partisan and are not related to a foreign government or political organizations; these amendments provide needed certainty to the fact that Change.org Australia's financial relationship with its parent company in the United States does not fall under the scope of the Bill.

2) Uphold the exclusion of disseminators

We welcome the exclusion of “publisher of a periodical, broadcaster of the relevant communication / carriage service provider, person in the business of publishing content produced by others and amended only for legal compliance or time or space constraints” and acknowledgements that this extends to online content. These amendments provide needed certainty in relation to Change.org as a platform for user-generated content, though we note below recommendations related to this exemption that require further clarification for such platforms.

3) Uphold the exclusion of foreign individuals

We welcome the exclusion of individuals being considered foreign principals. People from different countries come together to sign Australian petitions in global solidarity, like when people from around the world joined the campaign to successfully end Australia's archaic law that [allowed people to use "gay panic" as defence for murder](#). Allowing this activity in the amendments reflects the reality of our globalised world, and the ways that people use the Internet to connect across borders.

However, while these amendments have lent clarity to the status of Change.org's operations, further guidance is still needed on the status of activities we may need to restrict under the Bill, outlined in the recommendations below:

4) Clarify definition of "foreign political organisations"

As noted above, we welcome the narrowing of the definition of a foreign principal but require further clarification of the definition of "foreign political organisations". We are concerned that the current open ended definition will give the government broad license on how this is interpreted in practice. We are concerned that the lack of guidance may push platforms and other organisations to make subjective and erroneous determinations about the law that could serve to silence speech. We strongly encourage the government to release a register of organisations considered to be foreign political organizations as part of the final Bill.

5) Provide guidance on anonymous content posters

Change.org enables our users to sign and start petitions without using their real name, because it is vitally important that people can campaign on the issues that matter to them without fear of retribution. As noted in the petition example above, Josie Pohla initially started her Change.org petition anonymously, because of a domestic violence situation in her family. We note that the Bill states that "media organisations and publishers will not be required to register if the identity of the principal is already transparent.... However, if the disseminator broadcasts or publishes the material as though it was native content, thereby concealing the provenance of the material, registration should be required." Absent a register of foreign political organisations noted in the recommendation above, it is unclear how a platform would identify any anonymous content requiring registration. The Bill needs to provide guidance in this area.

6) Release implementation guidance for online platforms

Change.org has a trust & safety operation to remove content that violates our own guidelines and applicable law in all the jurisdictions where we operate, including Australia. In efforts to enforce the Bill, it will be impossible for an online platform to make determinations that a particular user or organisation contributing content is associated with a foreign principal because of the verification limitations of the Internet. As noted above, the government has not released an established register or list of foreign principals. Furthermore, even if such a register existed, platforms are unable to make informed determinations about the connections of individuals or organisations to foreign principals. For online platforms, where there is a vast volume of content, this presents a particular challenge. We therefore strongly

recommend that the Bill in its final form provide detailed implementation guidance for platforms and publishers. We recommend a ‘notice and takedown’ regime, whereby a platform is not obligated to monitor, remove or restrict content or users under this Bill until it receives a formal government notice, along with a clear mechanism to challenge such notices if needed.

Noting the serious practical limitations of any organisation attempting to enforce the Bill described above, we recommend the final Bill generally provide better protections for public petitions and political speech that bring people and organisations with different national citizenships and political affiliations together across borders. The government must recognise that this is an important and unavoidable part of the part of the political process in today’s globalized world and Internet age.

Thank you for the opportunity to provide a submission to this inquiry. Please do not hesitate to contact us should you wish to further discuss these recommendations.

Sincerely,

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