

Response to the Issues Paper on the Statutory Review of the Online Safety Act 2021

The statutory review of the Online Safety Act 2021 is an opportunity to evaluate and improve the regulatory stance toward online safety in Australia. However, the way in which the issues paper is written and presented is not conducive to identifying or discussing the negative externalities that such an act presents. There are significant concerns regarding the potential negative impacts of this act on individual freedom, parental roles, and the burdens placed on service providers.

The implementation of overly stringent online safety laws, such as those proposed in the Online Safety Act, poses a risk to individual freedoms, particularly in terms of free speech and access to information. The power granted to the eSafety Commissioner to issue removal notices for harmful content can lead to over-censorship, where legitimate expressions and discussions are suppressed in the pursuit of eliminating harmful content. This creates a chilling effect on free speech, where individuals may refrain from engaging in open dialogue due to fear of punishment. It can also lead to a reduction in the free access to information. An example of an instance where the act has been abused to restrict freedom of information was the recent demands by the eSafety Commissioner on x.com to remove/block footage of the church stabbing, which was overturned by an Australian judge.

Yes, the act specifies what is deemed harmful content, etc. However, acts such as this work to normalise restrictions, opening the gate to further erosion of freedoms down the line. A clear example of this are the recent new calls to implement age restrictions on social media use. This is not something the government should be in charge of. This is a parental responsibility.

Age verification measures and content regulation further consolidate the assumption of parental roles by the government. This encroachment diminishes the fundamental role of parents in managing and overseeing their children's internet use. The government's focus should shift towards empowering parents with the tools and knowledge necessary to guide their children's online activities responsibly. Parental engagement is critical in fostering a safe online environment for children, and legislation, if any, should support, rather than replace, this parental responsibility.

Many of the problems raised by the act should be handled by parents limiting and supervising their own children's use of the internet. By equipping parents with the appropriate tools and knowledge, they can take a more active role in ensuring their children's online safety, and moderating their child's online behaviour. This approach not only preserves parental authority but also encourages responsible usage among young internet users.

Imposing age and consent requirements on social media platforms is unlikely to address the deeper cultural and supervision issues related to children accessing age-inappropriate content. Instead, such requirements could lead to several problematic outcomes.

The implementation of age verification measures creates a framework that could be expanded to require identification for accessing social media. Initially targeted at protecting

minors, this framework might extend to other age cohorts, leading to widespread digital surveillance and erosion of privacy rights. By conditioning minors to accept digital verification of their identity, the law fosters a generation that may be less resistant to such measures as adults. This normalization of identity checks could pave the way for increased digital monitoring and control in various aspects of life, beyond social media usage.

The issues paper does not address the potential negative ramifications of the act. It provides only international approaches that make use of such laws, creating a biased review by not considering international approaches with little to no policing of online content. This omission results in a one-sided perspective that overlooks alternative methods of handling online safety without heavy-handed regulation.

In addition to diminishing parental responsibility, the review does not consider the negative consequences of burdening service providers (Australian businesses) with the task of familiarizing themselves with the Act and abiding by it. The compliance requirements can be especially challenging for smaller businesses, which may lack the resources to efficiently implement the necessary measures. This regulatory burden can stifle innovation and place Australian businesses at a competitive disadvantage.

While the intent behind the Online Safety Act 2021 is to protect individuals from online harms, it is essential to balance this objective with the preservation of fundamental freedoms, parental roles, and the viability of service providers. The government should prioritize empowering parents to play a more active role in their children's online experiences and address the underlying cultural and supervisory issues. Therefore, it is of my opinion that the Online Safety Act be abolished, and funding and programs etc. should be repurposed into efforts to empower parents and teachers etc. to deal with these issues in homes and in classrooms.