

# Review of Online Safety Act 2021

## Submission

The Minister for Communications is to be commended for setting up a Review of the Online Safety Act.

**There are, however, some concerns, with online safety, that need to be addressed:**

The eSafety Commissioner's website states:

Except for the Commissioner, all staff employed to undertake the functions of eSafety are staff of the Australian Communications and Media Authority (ACMA), and are covered by ACMA entitlements, protections and obligations.

Since this means all decisions are under the control of ACMA, a method of raising concerns with a ruling or response is needed – such as having an independent Ombudsman, to raise issues.

Mention is made in *Appendix 1 Government Actions against other online Harms*, in the Online Safety Act 2021, that: “The Government is developing new legislation to provide the Australian Communication and Media Authority (ACMA) with powers to combat online misinformation and disinformation.”

There are concerns that *The Communications Legislation Amendment (combating Misinformation and Disinformation) Bill 2023* is not consistent with our Australian international human rights obligations, under the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Bill, if passed, would have the power to any silence religious and political speech which is deemed not consistent with current ideologies and ‘woke’ messaging. ACMA will be the power that determines whether a message is false, deceptive or misleading. There is no mechanism to protect valid expression of opinion or belief. We need clear guidelines to define the limits before speech is declared unacceptable.

Truth used to be considered objective and verifiable. Now ‘Truth’ is seen as subjective. Since truth is malleable deciding what ‘offends’ or ‘insults’ is rendered very difficult, as they are highly subjective notions. The Online Safety Act states on page 4 that, “material that ... depicts, expresses or otherwise deals with ....in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults” sounds reasonable, BUT it needs to be based on sound principles not on current acceptable opinion.

Additionally, the parents of children are their guardians under the Law and require support, not condemnation for refusing to comply with the latest ‘woke’ ideology. When confronted with complying with laws which contravene their religious beliefs or political beliefs, which

they consider unreasonable or detrimental to their child's well-being, there is no avenue of redress.

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