

Statutory Review of the Online Safety Act 2021

Submission made by S. Anthony

Western Australia

I am confining my response to two of the questions posed in the consultation document. These are:

Q.1 Are the current objects of the Act to improve and promote online safety for Australians sufficient or should they be expanded? And

Q. 4. Should the Act have strengthened and enforceable Basic Online Safety Expectations?

These two questions are, to my mind, intermixed, so I shall address them together, rather than separately. However, in both cases I take the view that neither should be expanded, strengthened or enforced. On the contrary, I think the current Act goes too far and its reach should be severely curtailed. I set out the reasoning behind this conclusion below:

On 7 October 2023, horrific and abhorrent acts of violence took place in Israel that were videotaped by the perpetrators and, by the accounts of those who have seen the footage, are deeply disturbing and sickening to watch. This surely qualifies as 'abhorrent, violent material' depicting 'abhorrent violent conduct' which, under the Act as it now stands would be banned in Australia. However, we sometimes need to see the abhorrent in order to fully appreciate that it exists and that people are capable of committing depraved acts of unbelievable barbarity.

The Israeli authorities have chosen to restrict access to the October 7 footage, but this has led to propagandists and Hamas apologists denying that the abhorrent violence took place at all, or that it wasn't as bad as we've been led to believe. If the footage had been released, it would have made it harder for such lies to take purchase in our political discourse.

Had the footage been made generally available, I for one - as a self-aware adult able to make decisions in my own interests - would not have chosen to watch it, but not watching it would have been my choice. The question of choice, however, is moot because, even if Israel were to publish the footage on the internet, access would be denied in Australia under the provisions of the Online Safety Act. I consider such censorship to be damaging to our society. When people are kept in the dark and fed lies that they can't verify or debunk for themselves, our polity is weakened by ignorance and misapprehensions.

The internet is barely 30 years old and it is wild. In many respects it is our new frontier and, just as the early Australian settlers and explorers were undaunted when confronted with a new terrain filled with unknown dangers, we must also be afforded the freedom to explore untamed country.

Yes, protect the vulnerable by all means, but not at the expense of the rest of society because, if you do that, we all suffer the consequences of an overprotective government. To insist that everything we're exposed to be watered down or forbidden on the assumption that easily-offended people will be hurt or children may be exposed to harm will be doing our society a great disservice. We build character and resilience, not by protecting ourselves from stresses and challenges, but by exposing ourselves to them.

Access to information is the source of new ideas, innovation and societal-level evolution and development. And the freedom to explore the realm of ideas gives society enormous advantages over more restricted regimes. The Ottoman Empire, for example was one of the world's leaders of scientific enquiry and innovation in its early years, but fell slowly but surely behind the West after it banned the printing press.

When it comes to the impact of our own 21st-century version of the printing press, we should be educating people to use it safely rather than trying to make it a safe environment. Rather than employing top-down punitive controls, the emphasis should be on providing tools and training to empower each of us to protect ourselves and those vulnerable people under our care. It must be technologically possible to create different access levels to the internet. Parents already have parental controls that restrict children's access, so why not encourage internet providers to set up level-of-access choices based on our preferences? Lower-level access would come with greater protections against cyber-bullying, obscene and violent content, etc, while 'unlimited' access would be unrestrained as long as the content is not illegal.

We have always had guardrails to protect the young and vulnerable from information and contact that threatens their wellbeing, but those guardrails should not be employed to constrain non-vulnerable adults.

In conclusion, I think the Online Safety Act already goes too far in controlling and limiting our internet access. While well-meaning, its top-down command-and-control approach is probably doomed to failure, and will serve to harm, rather than protect Australian society. Ideally, I should like to see its powers and reach greatly reduced. However, that not being a question posed by this consultation, that option is clearly not under consideration. So, at the very least, I would strongly recommend NOT expanding or strengthening its objects, powers or reach one jot.