



## Statutory Review of the *Online Safety Act 2021* – Short comment themes and examples

The consultation process for the statutory review of the *Online Safety Act 2021* (the Act) provided for short comments to be provided, as an alternative to substantial submissions. The Have Your Say page indicated that individual comments would not be published unless explicitly requested. In the interests of transparency, the Department is providing this summary with themes and anonymous representative examples of comments received.

Over 500 individuals provided short comments to the review and about 1,600 individuals provided short comments as part of a coordinated online campaign conducted by the Free Speech Union of Australia. All comments were provided through a consultation process that ran from 29 April 2024 to 21 June 2024.

The majority of the 500 comments related to concerns about free speech and regulatory overreach. Many commenters supported the use of eSafety powers in relation to illegal content and activity, cyberbullying, image-based abuse and pornography, but considered that other online content, even if it is distressing, should be accessible to adults who want to see it. Some also said that opinions expressed online, even if offensive, should not be subject to removal.

Some comments expressed concern about the transparency of decision making by eSafety about content removal and/or called for more concrete and objective terms to be used in the Act.

Some other comments expressed concern about current and emerging online harms and several called for the Act to be amended to capture these harms and more effectively protect Australians online.

Theme	Examples of comments
Free speech	<ul style="list-style-type: none"> <li>• “I believe that I have the right to view any kind and form of information so I can inform myself about the world. Nobody should decide what is appropriate for me to see.”</li> <li>• “While regulation of genuinely vicious and pornographic content on the internet is desirable, censorship of honest opinion and debate is usually not.”</li> <li>• “Stop interfering and imposing draconian rules to suit you deciding what can and cannot be said online along with how to restrict access to citizens.”</li> <li>• “I am very concerned about the loose definition of hate speech...It’s incredibly subjective and open to interpretation, and that power in the hands of bureaucrats has been, and will be abused to attack and shut down others with different opinions.”</li> </ul>

<p>Government overreach/additional powers for eSafety</p>	<ul style="list-style-type: none"> <li>• “eSafety should be about detecting and protecting Australians from online scams and targeted abuse. Under no circumstances should the powers extend beyond that.”</li> <li>• “I believe parents are responsible for their kids and adults are responsible for themselves. Less government power is better”</li> <li>• “Canberra has no business trying to regulate the internet anywhere under any circumstances.”</li> <li>• “No more power for the esafety commissioner. In fact it should be shut down.”</li> <li>• “I’m completely opposed to any changes to the eSafety Commission’s functions. I feel any changes risk infringing on the public’s right to freedom of expression. I certainly don’t agree with the increased powers contemplated particularly in areas of ‘pile ons’ and hate speech.”</li> </ul>
<p>Transparency and online safety definitions in the Act</p>	<ul style="list-style-type: none"> <li>• “If anything the Act is too vague and far reaching and open to abuse by those administering. Education is the answer and no one body can effectively protect people online.”</li> <li>• “The term “safety” and “safe manner” are mentioned constantly throughout the Act, but no such specificity surrounding what determines safety, or its manner, are provided. How can such vague, all-inclusive language that provides almost unrestricted power to the Commissioner be allowed to be bestowed on an individual who is not subject to a democratic election or appointment by the general public the Commissioner serves?”</li> <li>• “A call for full transparency of the government and their intents behind such laws.”</li> <li>• “By exercising caution in granting authority to the eSafety Commissioner, the Federal government can uphold the principles of accountability, transparency, and inclusivity in addressing online safety issues.”</li> <li>• “I do not consent to nebulous policing of environments online. This policy is way too open for interpretation and contains the issue of not being defined.”</li> <li>• “The issue of take down notices and court action should come through strict standards and not the personal whims of the head.”</li> <li>• “I am very concerned about the loose definition of hate speech that the e safety commission wants to promote. It’s incredibly subjective and open to interpretation, and that power in the hands of bureaucrats has been, and will be abused to attack and shut down others with different opinions.”</li> </ul>
<p>Need to focus on illegal content and pornography</p>	<ul style="list-style-type: none"> <li>• “The majority of this Act I don't have a problem with, clear cases of threats, bullying or revenge porn obviously should come with</li> </ul>

	<p>consequences and carriers that fail to act in good faith at removing these should also face consequences.”</p> <ul style="list-style-type: none"> <li>• “If it's pornography or something like that, that's fair to enforce by the eSafety Commissioner.”</li> <li>• “The office should focus on removing child pornography, terrorism related material and organised crime.”</li> <li>• “Actively pursue people spreading child porn, stop minors from accessing any porn (age verification).”</li> <li>• “I believe that the online safety act and the online e commissioner should only have the power to deal with online sex trafficking and child pornography.”</li> </ul>
<p>Concern about pornography/image-based abuse/online hate/cyber bullying/doxing</p>	<ul style="list-style-type: none"> <li>• “Please strengthen the Online Safety Act (2021) by increasing the powers of the E-Safety Commissioner. The current law is not doing its job to protect ordinary citizens from abuse and exploitation by savvy online players obsessed with pornography, harmful political causes and scammers.”</li> <li>• “There is a massive gap in the legislation regarding online safety. You can be put in a situation where you should be able to stop actions such as non-consensual explicit photo sharing before it happens.”</li> <li>• “The extremists attacks and increase of attacks on women shows that the online safety laws are not sufficient. Social media is the major blame of the spreading of this inappropriate and inflammatory content.”</li> <li>• “I feel that our current Online Safety Act does not adequately protect disabled people from online abuse, particularly image-based abuse that is commonly experienced by people with visible disabilities that are often objectified, such as people who are short statured, or people who have facial differences associated with their disability. These people are frequently facing abuse such as having their images uploaded on social media and mocked by others, often accompanied by dehumanising comments and violent threats, and our laws do very little to protect them.”</li> <li>• “I believe that more stringent penalties and offences are required for online doxing and in particular inciting people through social media platforms to fix a victim...Currently it is hard to take action against online trolls, etc, when they don't name the victim or use a picture, but the victim can be easily identified to the online group or forum. Using a third party to dox or bully online is also a growing problem.”</li> <li>• “Yes, there is a major need for further protections to address online harms in order to protect ALL people using online technology. Harsher consequences are needed for people who create content and companies who host content. More education is also needed for</li> </ul>

	people who post, they must understand the implications of their posts and the potential consequences.”
Concern about deepfakes/AI, Act needs to address	<ul style="list-style-type: none"> <li>• “This AI technology is in its infancy and as it collates data it could begin to display the worst of human terminology, all over the internet. It could do a lot of damage considering how the big platforms have no decency.”</li> <li>• “I believe the most important thing that the eSafety commission needs to address is Deepfakes. Determining what is true and false online is so important that it trumps every other issue related to online safety. This includes the recent furore over the eSafety Commission's direction to X (Twitter) to take down what they deemed to be harmful videos. While they might have been harmful, they were at least true (i.e. not a Deepfake). Imagine a scenario in which the video was a Deepfake and resulted in vigilante actions.”</li> </ul>

## Free Speech Union of Australia campaign

The online campaign conducted by the Free Speech Union of Australia recommended that the Online Safety Act be repealed, with commenters listing one or more of the following reasons:

- Financial cost
- Failing to address cyberbullying
- Harming Australia’s international reputation
- Online censorship (including ‘Censoring Billboard Chris’ and ‘the Bishop Stabbing Video’)
- Threatening the principles of an open internet
- Regulatory overreach; and
- Lack of transparency.

Comments under each theme were almost identical. Examples are given below.

Theme	Examples
Financial cost	I am concerned by the considerable expenditure incurred by the Commissioner, which I understand has quadrupled over the past year. This does not seem to include the extra legal expenses incurred in the recent legal proceedings against X, where they had a large number of lawyers and are likely to be paying the other sides costs. The \$40 million being spent on her office should be spent on more important things for the Australian people.
Failing to address cyberbullying	I am worried that the eSafety Commissioner has not been successful in stopping cyberbullying aimed at children. Even with an annual budget of over \$40 million dollars, I note that they have only sent out only a handful of formal notices.
Harming Australia’s international reputation	I am concerned that as a result of the eSafety Commissioners censorship activities, many non-Australians have justifiably formed a

	negative view of Australia as being backward and ideologically repressive.
Online censorship/ Censoring Billboard Chris/ Censoring the Bishop Stabbing Video	<p>I am worried about the impact of the eSafety Commissioner on the freedom of speech rights of Australians. The Commissioner's attempts at censorship appear to go against the right to freedom of political communication.</p> <p>I am concerned about the Billboard Chris case, where the eSafety Commissioner sought to take down his post. Billboard Chris is an anti-child abuse campaigner who has been prescient in raising concerns about trans ideology and the threat it poses to children, particularly the harms associated with use of puberty blockers, cross-sex hormones and so-called gender affirming surgery. The attempts to censor him are therefore especially inappropriate.</p> <p>I am troubled by the eSafety Commissioner's efforts to censor the online video showing the Wakeley Church stabbing. Despite being violent, the video is not excessively graphic, so the reason for its censorship seems unclear. Blocking the video could be perceived as an effort to stifle discussions on these important issues, which I find unjust and contrary to democratic principles.</p>
Threatening the principles of an open internet	The eSafety Commissioner's activities threaten the principles of an 'open internet'. By monitoring and attempting to censor certain political opinions, the Commission is effectively engaging in viewpoint discrimination. An open internet would be one that does not involve government censorship, yet that is what the eSafety Commissioner is promoting through its online 'monitoring' and censorship. I oppose any 'Great Firewall' of Australia.
Regulatory overreach	Virtual Private Networks are used by individuals, businesses and other organisations for the purposes of protecting their online privacy and security - or genuine 'eSafety'. As part of their recent attempts to enact a worldwide ban of video images of the stabbing of Bishop Mar Mari Emmanuel, the eSafety Commissioner argued in court that VPN's should be banned. It is highly inappropriate for the eSafety Commissioner to be trying to control the internet in this manner, just because she wants to control what people can see online.
Lack of transparency	My concern is that the eSafety Commissioner is trying to hide information about its operations and staff. This raises serious concerns about transparency and fairness - people generally have the right to stand up to have a hearing on the charges against them. It shows hypocrisy and lack of transparency for the e-Safety Commissioner to continue to monitor and monitor others, preventing others from investigating and reporting on their activities - behaviour you would expect from a foreign intelligence agency, not a civil servant.