

SUBMISSION TO THE CONSULTATION INTO THE EXPOSURE DRAFT OF THE ONLINE SAFETY BILL

Thank you for allowing submissions to this Bill.

Thank you that an Online Safety Bill has been put forward to allow provisions for criminalising the posting of certain online content.

Whilst much of the Bill is good, protecting children from online bullying and the circulation of lewd images, I am concerned with Adult Cyber-abuse - Section 7, 7(1)(b) and (c) and Part of Section 5:

Section 7(1)(b)&(c): that if “an ordinary reasonable person would conclude that it is likely that the material was intended to have an effect of causing serious harm to a particular Australian adult” and that if “an ordinary reasonable person in the position of the Australian adult would regard the material as being, in all the circumstances, menacing, harassing or offensive” then that material is defined as cyber-abuse.

*Section 5: **serious harm** means serious physical harm or serious harm to a person’s mental health, whether temporary or permanent. **serious harm to a person’s mental health** includes: 20 (a) serious psychological harm; and 21 (b) serious distress.*

1. The wording ‘likely’, ‘intended’, ‘regard’, ‘offensive’, are far too broad a term and totally individual & personal. There are no clear boundaries/lines in which these terms can be gauged.

2. Another concern is the term “serious harm” which is defined in section 5 (page 14) as “serious physical harm or serious harm to a person’s mental health, whether temporary or permanent” but goes on to explain that “serious harm to a person’s mental health” includes “serious psychological harm” or only “serious distress”. This is far too broad a definition, as temporary serious distress is entirely subjective.

3. This definition of adult cyber-abuse will certainly restrict the free speech of ordinary Australians simply by creating the possibility of massive fines and onerous legal proceedings.

4 As Christians, we are particularly concerned because this bill will also affect Australians’ freedom to share the Gospel, the Good News of Jesus Christ, or even to simply quote a Scripture passage; because anyone could claim that he suffered from temporary serious distress and was offended – a claim which cannot easily be refuted.

My submission is that the Adult Cyber-abuse Section be modified to tighten the requirements as to what online material can be classed as adult cyber-abuse, to leave no uncertainty of terms, and to protect the free speech of ordinary Australians.

Thank you