

Criticisms of the Online Safety Bill (2020)

Big Cheeks

8 Determining whether material is offensive:

- (1) The matters to be taken into account in deciding for the purposes of this Act whether an ordinary reasonable person in the position of a particular Australian adult would regard particular material as being, in all the circumstances, offensive, include:
- (2) (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
(b) the literary, artistic or educational merit (if any) of the material; and
(c) the general character of the material (including whether it is of a medical, legal or scientific character).

The term “offense” is inherently subjective. A statement that is perceived as offensive to one person may hold no weight at all to another. Yes, any person threatening physical violence or rallying a call to arms should be punished, but in the current social climate, people are ‘offended’ by everything from names of dairy companies to celebrities making jokes. This is a climate where being offended is almost a pastime.

What a reasonable person might consider normal just 7 10 years ago would be considered offensive to a seemingly “reasonable” person in this age. Because of this volatile and rapidly changing social climate where what can be considered offensive is always evolving even to the detriment of individual freedoms, it begs the question of whether a government entity – which is influenced by public opinion should have the power to enforce such obscure and wide ranging rules.

I agree with the four other schemes introduced in this bill, children should be protected as they develop and terrorist related, violent or non consensual sexual content must be monitored and policed. However, extending obscure rules to adults with vague terms such as “offensive” in the current social climate sets a bad precedent and could lead to the erosion of individual rights.