**Debate: Protecting online safety vs freedom of speech/expression**

The expanded powers of the eSafety Commissioner (**Commissioner**) under the *Online Safety Act 2021* (Cth) have sparked significant debate around the balance between ensuring online safety and protecting the freedom of speech and expression. Advocates argue that these powers are crucial for combatting the increasing occurrence of harmful online content, including cyberbullying, image-based abuse and violent material.[[1]](#footnote-1) They believe that the measures and powers under the Commissioner are essential to protect the vulnerable individuals, particularly children from severe harm.

However, critics express concerns that the Commissioner’s expanded authority could infringe on freedom of expression and speech through censorship and overreach. They argue that the Act lacks sufficient safeguards to prevent the wrongful removal of legitimate content such as satire or other material that might be misclassified as harmful. For example, the restrictions on material classified under Class 2 materials including lawful content such as R18+ and X18+ content could unnecessarily interfere with sexual health information, education resources and the rights of sex workers to express themselves and conduct their work, which limits their expression.[[2]](#footnote-2)

**Learning Activity: Analysing the Balancing between Online Safety and Freedom of Speech and Expression**

This learning activity is aimed to deepen the understanding of these diverse perspectives and developing critical thinking skills.

**Instruction:**

1. Read and review the *Online Safety Act 2021* (Cth)and reflect on how the powers granted to the Commissioner might affect both safety and suppression of free speech and expression.
2. Research two real-world examples where online safety measures effectively protected individuals or where measures lead to concerns about freedom of speech and expression. Consider Australian cases and international cases.
3. Write a post for your online course’s discussion forum regarding whether the current powers of the commissioner are effective in balancing freedom of speech and expression while protecting individuals. Include your research in your analysis.
   1. Consider: Are powers too broad? Do they allow free speech/expression? Could the powers be improved?
4. Engage in a peer’s discission post and provide feedback on their arguments and clarity.

This activity can be adapted for in-person debate where students pick a side of the argument and debate each other on their research and written discussion.

1. Lorraine Finlay’, *Protecting Free Speech Doesn’t Mean Dismissing Online Safety* (Web Page) https://humanrights.gov.au/about/news/opinions/protecting-free-speech-doesnt-mean-dismissing-online-safety [↑](#footnote-ref-1)
2. Nicolas Suzor, Lucinda Nelson, Rosalie Gillett, and Jean Burgess, ‘QUT Digital Media Research Centre submission in response to the Online Safety Bill 2021’ (2021) <https://eprints.qut.edu.au/208582/>. [↑](#footnote-ref-2)