

Submission on draft misinformation Bill

I wish to register my concerns about the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

The Bill, in its entirety, is a Trojan Horse intended to establish a foundation for future government interference in, and control of, free and democratic political expression.

The Bill is aimed at coercing digital platform providers into collaboration with government when it comes to eliminating public utterances by any person or group with which the government disagrees on a digital platform.

Not being a trained lawyer, I will not attempt to dispute the structure of the Bill.

My concerns relate to the vagueness of definition, and the scope for the ACMA to assume the role of an Orwellian Ministry of Truth.

The details of my concerns are:

1. The term “good faith” is used in the Definitions, without any explanation. Who decides what this is, and whether any person is or is not acting in good faith? In itself, that’s a loophole to allow blanket censorship.
2. The terms “entertainment”, “parody” and “satire” are likewise liable to subjective and politically-motivated interpretation. Any future government could legislate to define those terms in words that suit its agenda, and thus decide who may or may not produce digital content.
3. The Minister has unlimited power to define what a digital service is (Clause 4.6) The requirement to consult the ACMA (4.7) is a fig leaf. What exactly does “adequate protection for the community mean”? I’m guessing that sort of protection really means “protection from robust and honest debate”.
4. Clause 19 is truly Orwellian. Bottom line, anyone who publishes a blog can be hauled up before the ACMA for a “please explain”, if the Authority considers anything the person publishes to be either mis- or disinformation.
5. Clause 64 prevents the use of the power of arrest, detention, entry, search and seizure. The obvious corollary to that is that by virtue of a simple amendment, those powers would become available to, and wielded by, the ACMA or any police force in this country in support of the ACMA.
6. The Minister may define at will which services are exempt from the Act. This is an obvious invitation to political preferment and the stifling of opposition to the government.
7. “Educational providers” are likewise exempt from the provisions of the Bill. This means that any issue-motivated group could obtain accreditation from a politically-allied government, and thus have an unrestricted platform to produce any sort of content, benign or malign.

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In summary, governments of all political persuasions in this country have shown in recent years a disturbing and increasing predilection for the use of legislation and executive power to force compliance on a population which is increasingly suspicious of governments, big banks, big business and the trade unions. The word “cabal” comes to mind here, and all political parties are equally guilty of lusting after absolute power under the guise of “public protection”.

I have no doubt that this Bill will become law. Equally, I am certain that it will be amended to provide increasing restrictions on public debate and freedom of expression.

Jason Gardner