



Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

Parliament House
Canberra

Dear Parliamentary review committee,

The proposed legislation is very concerning. The legislators formulating the constitution of the USA thought that free speech was so fundamental to the democratic process that the first amendment to the constitution was the freedom of speech. Whilst we do not have such an explicit statement in the Australian constitution we are signatories to the United Nations Universal Declaration of Human Rights which declares it a right for all persons to freedom of expression. The government would better serve the interests of the population by enshrining free speech in the constitution than preparing legislation which can only be described as censorship.

The most fundamental problem with the proposed legislation is that it assigns an arbiter to decide what is information, what is misinformation and what is disinformation. This arbiter is a government body, the 'Australian Communications and Media Authority' (ACMA) and it gets to decide what is 'official advice'.

There is no discussion as to who comprises the ACMA or how they are selected. There does not appear to any discussion that might prevent conflicts of interest occurring, for example, persons or bodies that receive funding from pharmaceutical companies that profit Billions from providing 'official advise' on vaccinations or think tanks that are sponsored by weapons manufacturers providing 'official advise' on matters of defence (██████).

Already the media is critically compromised in its ability to perform the duties as the fourth estate and to hold power to account. The ownership of the privately owned media is almost exclusively in the hands of Billionaire oligarchs who protect the oligarchs, the national broadcaster, ABC, has been shown to be compromised in 2018 by the sacking of the managing director and the forced resignation of the chair. Government interference in the ABC was shown when the government of the day made a captain's pick for the chair of the ABC and giving instructions to "Get rid of" and "shoot" senior ABC journalists. Again in 2019 when the Australian Federal Police raided the office of the ABC over the Afghan files clearly demonstrates that the ABC has compromised independence.

What is missing from the main stream media is a voice that represents 'we the people', without the people having a voice the voting system is only a masquerade of democracy. Social media is the nearest thing we have to a voice for the people, it must be preserved.

Stifling debate in the public arena only adds fuel to conspiracy theories.

Are there penalties for fact checkers who misrepresent or ignore evidence?

Is there an ability to challenge the official narrative?

There is already mistrust in the Australian population, one of, or perhaps the only media organisation that has a perfect record of publishing truthful information (WikiLeaks) has its editor in

chief imprisoned for over 4 years, and counting, not convicted of any crime (Julian Assange). When whistle blowers give public interest information to the media they are persecuted and prosecuted for their public service but none of those shown to be committing wrong doing are charged (David McBride and Richard Boyle, perhaps others).

This legislation puts us on a very clear path to dystopia that would be typical of an authoritarian government. We used to frequently hear a quote attributed to Voltaire; "I disapprove of what you say, but I will defend to the death your right to say it". Do we agree with Voltaire?

Have we already arrived in dystopia?

Free speech is a human right.

Open debate is healthy.

Without free speech and open debate, democracy is an illusion.

In the name of democracy, please do not pass this legislation!

Yours Sincerely
Tom Marwick