



June 13, 2023

To Michelle Rowland,

I am writing to express my strong opposition to the proposed "Misinformation and Disinformation" legislation, which grants extensive powers to the Australian Communications and Media Authority (ACMA) to determine what constitutes fact and enforce the removal of content it disagrees with on internet platforms. While the intention behind this legislation may be well-meaning, I believe it poses significant risks to freedom of expression, the free exchange of ideas, and the democratic values that our society cherishes.

First and foremost, it is essential to recognise the fundamental importance of freedom of speech in a democratic society. This right ensures that individuals have the liberty to express their thoughts, opinions, and ideas without fear of censorship or persecution. Granting the ACMA the authority to determine what is factual and force the removal of dissenting content empowers the government agency to become an arbiter of truth, effectively stifling diverse perspectives and hindering open dialogue.

Furthermore, vesting such broad powers in the ACMA raises concerns about potential abuse and bias. The subjective nature of determining what qualifies as "misinformation" or "disinformation" leaves room for interpretation and manipulation. It is crucial to avoid a situation where a single entity possesses the authority to dictate what information should or should not be available to the public, as this undermines the principle of a free and independent press.

Moreover, relying solely on the ACMA to address misinformation and disinformation overlooks the role of media literacy and individual responsibility. Rather than relying on government intervention, promoting digital literacy and critical thinking skills can empower individuals to evaluate and discern the accuracy of the information they encounter. Education and media literacy initiatives, coupled with transparent fact-checking processes, can be more effective in combating misinformation while preserving the right to free expression.

Additionally, the proposed legislation could have unintended consequences for innovation and technological advancement. Internet platforms, particularly social media platforms, play a crucial role in fostering innovation, entrepreneurship, and economic growth. Imposing heavy-handed regulations that require platforms to remove content based on the ACMA's subjective determinations could lead to a chilling effect on free expression and discourage investment and innovation within the digital realm.





Instead of resorting to legislation that risks curbing free speech, we should explore alternative approaches that encourage collaboration between government, civil society, and internet platforms. Instead of further polarising society and endorsing echo chambers and cancel culture that seeks to only see one point of view promoted, we should encourage debate and discussion. We should foster a spirit in our community that acknowledges, understands and even values that we won't always agree, but that we can still have care and respect for each other as people.

In conclusion, I firmly believe that the proposed legislation granting extensive powers to the ACMA is not the appropriate solution. Preserving the principles of free expression, fostering digital literacy, and promoting collaboration are far more effective and respectful of the democratic values that underpin our society. I urge you to not proceed with this legislation and explore alternative strategies that uphold the fundamental rights and freedoms we hold dear. Thank you for your attention to this matter. I trust that you will carefully consider the concerns raised and work towards a more balanced and democratic approach to addressing misinformation and disinformation.

Sincerely,

David Pengelley  
Founder

