

Dear Submissions group,

Misinformation and Disinformation Bill - submission regarding this proposed bill

I am grateful to have the opportunity to voice some of my concerns regarding this proposed legislation.

- While I understand some of the intentions of this bill and what government is hoping to achieve, I am concerned that the bill does not provide enough checks, balances and required scrutiny of actions taken by ACMA when it comes to determining what is free speech and what is misinformation/disinformation speech. Transparency and control are desperately lacking in the bill.
- Once again, this proposed Australian legislation is out of step with international legislation. The UN Declaration of Human Rights and the International Covenant on Civil and Political Rights are clear on fundamental freedom of speech and communication. This bill exerts what I call an over-reach of government control on what is considered misinformation or disinformation. The right to voice an opinion or criticise government is a democratic freedom we as Australians should have. This bill will certainly curtail that basic right.
- As with other recent legislation in Australia, this bill is incredibly vague as to what is defined as “harmful” speech and how this definition is arrived at. This vagueness does not protect legitimate speech, criticism and voicing of opinion in the public square. There is no protection for people, organisations, and groups in expressing their opinion or thoughts on matters that pertain to life, society and government. There is a real concern that this bill will silence those who have a right to speak out on public matters.
- To require policing of this legislation by digital service providers when the bill itself has not defined clearly what “harmful” speech is or what constitutes misinformation/disinformation is irresponsible. The vagueness of the legislation will coerce digital service providers into silencing everything that could see them breach the law. This will include legitimate information, ideas, concerns, and viewpoints. This will silence freedom of speech. Responsible and democratically elected government owe it to their citizens to ensure that freedom of speech, freedom of association and beliefs are upheld in legislation not silenced.
- This legislation further exempts government from the same rules it is desiring to apply to the public square. Government authorised content is therefore to be seen as the only truth on a matter. This is self-defeating and borders on political control of what citizens can say or think on public issues. The role of government must have the same checks and balances as those imposed on its citizens. Without these checks and balances a government could be seen as dictating what the public must think and adhere to. This is not democracy.
- Giving the ACMA power to compel digital platforms and private platforms to provide information and evidence about misinformation/disinformation is in my opinion a breach of privacy. The vagueness of this bill’s definition of what is truly misinformation/disinformation has the potential to see private individuals’ information made available when in fact it should be kept confidential. It is worrying that a government would require this and potentially breach our own privacy laws. A clear framework with clear checks and balances needs to be in the bill to ensure that privacy is not breached.
- There must be scrutiny, accountability, oversight and transparency to prevent the misuse of censorship powers. This bill does not provide any such requirement or framework. I find it hard to believe that this important aspect of this legislation is lacking. Without these checks

and balances the ACMA and government have the potential to over-reach the power given them in this bill. This is definitely not democratic, and it would be irresponsible for government to enact this bill without this framework of accountability and scrutiny.

- The proposed penalties for failing to comply with the misinformation codes and standards is excessive. I suspect they are made excessive in this bill to ensure digital service platforms are “frightened” into submission. Given that digital service platforms are required to police this legislation this could result in the complete shutdown of free speech on these platforms. Once again, the vagueness of this bill and what constitutes legitimate misinformation/disinformation that is “harmful” will prevent legitimate free speech. Without scrutiny and accountability to control censorship, this bill is likely to cause more harm than good, and I personally cannot agree with it. It is one thing to have good intentions, but a totally different matter to implement well thought out legislation that actually meets the requirements for which is created.

I sincerely hope that my concerns are considered, and this legislation is suitably improved or dropped completely. In its current format this bill is more problematic than of any good.