

I Danuta Hulajko totally object to the proposed Legislation [Draft Communications Legislation Amendment \(Combating Misinformation and Disinformation\) Bill 2023](#)

Article 19 Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

I am most perplexed by the actions of those in crafting this legislation and advocating for these ideas. It appears that their decisions, influenced by financial incentives, may have negative consequences not only for others but also for themselves. This legislation has significant implications for life in Australia and those who contribute to its creation will inevitably be bound by the limitations it imposes. It is important to recognise the potential long-term effect of such legislation, as they may result in silencing not only the present but also future generations.

What is Democracy?

Examining democratic principles is crucial as they form the foundation of a just and inclusive society. Democracy ensures political equality, empowers citizens to participate in decision-making, protects individual rights and freedoms, embraces diversity and pluralism, promotes transparency and accountability, and upholds the rule of law. By understanding and upholding these principles, we can foster a society that respects human rights, ensures representation and participation, encourages open dialogue, and safeguards against abuses of power. Examining democratic principles allows us to critically assess the fairness, legitimacy, and effectiveness of laws, policies, and institutions, ensuring that our societies continue to thrive as democratic and inclusive spaces.

Democracy is a form of government in which power is vested on the people, who exercise it either directly or through elected representatives. It is a system that emphasises the principals of political equality, majority rule and **protection of individual rights and freedoms**. In a democratic society, citizens have the right to participate in decision-making processes, **express their opinions** and **hold their government accountable**.

Democracy ensures that citizens have the right to participate in the political process, including the ability to vote in free and fair elections and **engage in peaceful protests or demonstrations**. It **upholds individual rights and freedoms**, safeguarding principals like **freedom of speech**, assembly, religion, and the press. Democracy values **diversity**, fostering a society where **different perspectives, beliefs** and **interests** are included, **allowing for open expression and debate**. It allows for a pluralistic society where various opinions and ideas can be freely expressed and debated, whether in person or online.

- A belief in shared power: based on a suspicion of concentrated power (whether by individuals, groups or governments).

Democracy promotes accountability and transparency by holding public officials accountable, establishing check and balances, and ensuring access to information to prevent abuse of power and corruption.

Democracy promotes government accountability and transparency, ensuring that public officials are answerable to the people. It involved the freedom for oversight, checks and balances and access to information to prevent abuse of power and corruption.

This cannot occur in the face of this legislation. We are the people checks and balances, freedom to share ideas. This proposed legislation doesn't shut down, it shuts down democracy. 'This cannot occur in the face of this legislation. We are the people checks and balances, freedom to share ideas. This proposed legislation doesn't shut down, it shuts down democracy'

This legislation poses a significant threat to the fundamental principles of democracy. It undermines the essential role of the people as checks and balances on those in power and restricts the freedom to share ideas and engage in open discourse. By limiting the ability to question, challenge, and express alternative viewpoints, this proposed legislation not only stifles individual freedoms but also erodes the very essence of democracy itself. Instead of promoting a vibrant and inclusive democratic society, it risks shutting down the very foundation upon which democracy thrives.

How this proposed legislation will promote injustice?

The proposed legislation has the potential to promote injustice within society. By granting powers to regulate and control information, there is a risk of perpetuating systemic injustices and inequalities. The legislation may disproportionately impact marginalized communities, as their voices and perspectives are more likely to be silenced or marginalized. Moreover, if the enforcement of the legislation is biased or selective, it can further reinforce existing power imbalances and hinder efforts to address social injustices. To prevent the promotion of injustice, it is crucial to ensure that the legislation is designed with principles of equity, inclusivity, and social justice in mind. This requires a comprehensive understanding of the potential impact on marginalized groups and a commitment to addressing systemic biases and inequalities throughout the legislative process.

Similar legislation in countries around the world that would have similar legislation and how they are not democratic countries.

There are countries around the world that have implemented similar legislation aimed at controlling information and stifling dissent, and many of these countries are

not considered democratic. In such countries, the legislation is often used as a tool to suppress freedom of speech, limit access to diverse viewpoints, and curtail the ability of citizens to question those in power. These regimes use such legislation to manipulate narratives, censor critical voices, and consolidate their control over society. By restricting information and suppressing dissent, these countries undermine the core principles of democracy, such as transparency, accountability, and the protection of individual rights and freedoms. It is essential to safeguard democratic values and remain vigilant against the erosion of these principles, ensuring that legislation promoting information control does not undermine the foundations of democracy.

What countries specifically would have similar legislation ?

While specific countries can vary in terms of their legislation and approach to controlling information, some examples of countries that have implemented or proposed measures targeting online content and information control include China, Russia, Iran, North Korea, and Vietnam. These countries have been known to restrict freedom of speech, censor dissenting voices, and exert control over online platforms to shape narratives and maintain political control. It is important to note that the extent and nature of the legislation may differ across these countries, but they share a common goal of exerting control over information flow and limiting the ability of citizens to freely express themselves.

Several countries around the world, such as China, Russia, Iran, North Korea, and Vietnam, have implemented legislation aimed at controlling information and stifling dissent. These countries are known for their authoritarian regimes and have been criticized for suppressing freedom of speech, curbing access to independent media, and tightly controlling the flow of information. In these countries, the legislation serves as a tool to manipulate narratives, censor critical voices, and maintain political control. The restrictions imposed on information and the suppression of dissenting views undermine the fundamental principles of democracy, including transparency, accountability, and the protection of individual rights and freedoms. It is crucial to recognize the dangers of such legislation and ensure that democratic societies uphold the principles of open dialogue, freedom of expression, and the right to access diverse sources of information.

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societies uphold the principles of open dialogue, freedom of expression, and the right to access diverse sources of information.

This legislation can be seen as undemocratic as it undermines key democratic principles. By allowing the government to define and exempt its own content from regulation, it erodes political equality, citizen participation, and the protection of individual rights and freedoms. This raises concerns about censorship, suppression of dissenting voices, and hindering the diversity of opinions. Additionally, the legislation compromises transparency and accountability by limiting public scrutiny of the government's information dissemination. Overall, the legislation undermines democratic values and poses a risk to the free exchange of ideas and the integrity of democratic processes.

This legislation can be considered undemocratic due to several reasons. Firstly, it undermines the principles of political equality and citizen participation by granting the government the authority to define and exempt its own content from regulation. This gives the government a privileged position in shaping the information landscape and potentially stifles diverse viewpoints and public discourse.

Secondly, democracy thrives on the protection of individual rights and freedoms, such as freedom of speech and assembly. However, this legislation raises concerns by potentially allowing the government to selectively determine what qualifies as misinformation, leading to potential censorship or suppression of dissenting voices.

Additionally, democracy values diversity and the inclusion of different perspectives. However, by excluding itself from the legislation, the government may curtail the pluralistic nature of society, hindering the free expression and debate of various ideas and opinions.

Furthermore, democracy relies on accountability and the ability to hold the government responsible for its actions. By exempting its own content, the legislation may erode transparency and hinder the public's ability to scrutinize and challenge the government's dissemination of information.

In summary, this legislation undermines democratic principles such as political equality, individual rights and freedoms, diversity, and accountability. Its potential to grant the government unchecked authority over information dissemination raises concerns about its impact on democratic processes and the free exchange of ideas. This legislation raises significant concerns about its compatibility with democratic principles. By excluding itself from the regulations and allowing the government to define what qualifies as misinformation, it undermines the core tenets of democracy, such as accountability, transparency, and equal treatment under the law. Granting the government the authority to determine what content is exempted from regulation creates a power imbalance and potential for abuse, as it enables the government to control the narrative, manipulate public opinion, and suppress dissenting voices. In a democratic society, it is crucial for legislation to be fair, impartial, and subject to checks and balances to ensure the protection of individual rights and the integrity of the democratic process.

Is democracy even possible if a self regulatory body is claiming what is or isn't true.

The question of whether democracy is possible when a self-regulatory body determines what is true or false is a complex one. Democracy relies on the free flow of information, diverse perspectives, and open debate. When a self-regulatory body assumes the authority to determine the veracity of information, there is a potential risk to freedom of speech and the pluralistic nature of democratic societies.

In a democratic system, it is generally preferred to have a range of independent institutions, including the judiciary, media organizations, fact-checkers, and civil society, playing a role in evaluating information and holding those in power accountable. A self-regulatory body with significant powers to determine truth may concentrate too much authority in one entity, potentially stifling dissenting voices or alternative viewpoints.

However, it's important to note that combating misinformation and disinformation is a pressing concern in the digital age, as false information can spread rapidly and have detrimental effects on individuals and society. Striking the right balance between addressing harmful content and preserving freedom of speech is a complex challenge.

One approach to mitigating the potential risks to democracy is to ensure that self-regulatory bodies are transparent, accountable, and subject to checks and balances. It is crucial to have mechanisms in place for independent oversight, public scrutiny, and opportunities for appeal or redress. Additionally, fostering media literacy, critical thinking skills, and promoting a diverse and vibrant media landscape can also contribute to a healthy democratic discourse.

Ultimately, finding the right balance between addressing misinformation and disinformation while upholding democratic values requires ongoing dialogue, collaboration, and an iterative approach to shaping regulations and policies.

It appears that this legislation to prevent asking questions and looking for alternative perspectives when looking to validate and hold the government accountable when things aren't feeling or sounding right to the public. This is a democratic right.'

This legislation seems to hinder the democratic right of questioning, seeking alternative perspectives, and holding the government accountable when doubts arise or information feels inconsistent to the public. The ability to critically examine, validate, and challenge government actions and narratives is vital for upholding democratic principles. It ensures transparency, encourages robust public discourse, and helps prevent the consolidation of power. Restricting the ability to question and seek alternative perspectives risks undermining the democratic process and inhibiting the public's ability to hold those in power accountable.

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The government is excluding itself from this legislation, what questions does this raise ?

excluded content for misinformation purposes means any of the following:

- (a) content produced in good faith for the purposes of entertainment, parody or satire;
- (b) professional news content;
- (c) content produced by or for an educational institution accredited by any of the following:
 - (i) the Commonwealth;
 - (ii) a State;
 - (iii) a Territory;
 - (iv) a body recognised by the Commonwealth, a State or a Territory as an accreditor of educational institutions;
- (d) content produced by or for an educational institution accredited:
 - (i) by a foreign government or a body recognised by a foreign government as an accreditor of educational institutions; and
 - (ii) to substantially equivalent standards as a comparable Australian educational institution;
- (e) content that is authorised by:
 - (i) the Commonwealth; or
 - (i) a State; or

This legislation appears to have the potential to silence individuals who genuinely ask questions and seek information. By imposing regulations and potentially censoring certain content, there is a risk of discouraging open inquiry and suppressing those who express legitimate curiosity or skepticism. Silencing individuals who are genuinely seeking answers undermines the principles of freedom of speech and the open exchange of ideas, which are essential components of a democratic society. It is crucial to foster an environment where people feel empowered to ask questions, challenge prevailing narratives, and engage in critical thinking, as this is vital for the health of democratic discourse and the pursuit of truth. In the context of this proposed legislation, concerns of potential oppression arise as it grants significant powers to regulate and control information dissemination. There is a risk that such powers could be utilized to suppress dissenting voices, restrict freedom of expression, and perpetuate a one-sided narrative. If the legislation is

misused or selectively applied, it may contribute to an oppressive environment where alternative viewpoints are silenced and critical thinking is stifled. Safeguarding against oppression requires careful consideration of the legislation's potential impact on marginalized communities, minority voices, and individuals seeking to question and challenge prevailing narratives. It is crucial to ensure that any regulations enacted uphold democratic principles, protect fundamental rights, and foster an inclusive and equitable society.

This proposed legislation will be very biased

The proposed legislation carries a significant risk of being biased due to several factors. Firstly, by granting certain powers to regulate and determine what constitutes misinformation or disinformation, there is a potential for subjective interpretation and bias in decision-making. This subjectivity can lead to the selective targeting of specific viewpoints or ideas that are deemed unfavorable by those in power. Secondly, if the legislation lacks clear guidelines and oversight mechanisms, it increases the likelihood of biases seeping into the enforcement and implementation processes. This can result in unequal treatment and the suppression of dissenting or minority perspectives. To uphold democratic values, it is crucial to ensure that the legislation is drafted with transparency, inclusivity, and checks and balances in mind, mitigating the risk of bias and protecting the diversity of ideas and opinions within society.

While the proposed legislation aims to tackle misinformation and disinformation, there are some potential risks associated with its implementation. These risks include:

1. Freedom of speech concerns: Introducing new laws to combat misinformation and disinformation can raise concerns about potential infringement on freedom of speech. Striking the right balance between addressing harmful content and protecting individuals' rights to express their opinions can be challenging.
2. Overreach and censorship: There is a risk that the legislation could be misused or applied excessively, leading to unintended consequences such as censorship or the stifling of dissenting voices. Care must be taken to ensure that the powers granted to regulatory authorities are used judiciously and in line with democratic principles.
3. Effectiveness and enforcement challenges: Regulating online content can be complex and challenging due to the global and rapidly evolving nature of digital platforms. Ensuring the effectiveness of the legislation and its enforcement across diverse platforms, including those based outside Australia, can be a significant hurdle.
4. Potential for unintended consequences: Any new legislation can have unintended consequences or create loopholes that malicious actors could exploit. It is essential to carefully consider the potential impact of the legislation on various stakeholders, including digital platforms, content creators, and the wider public.
5. Regulatory burden on digital platforms: Imposing additional obligations and requirements on digital platforms to combat misinformation and disinformation may create a significant regulatory burden. This burden could potentially

disproportionately affect smaller platforms or hinder innovation in the digital space.

To mitigate these risks, it is important for policymakers to engage in thorough consultation, consider diverse perspectives, and ensure transparency in the legislative process. Ongoing monitoring and evaluation of the legislation's impact will also be necessary to make adjustments and improvements as needed.

The risks to freedom of speech in the context of legislation aimed at combating misinformation and disinformation can include:

1. **Overbroad regulation:** There is a risk that the legislation may be drafted in a way that is overly broad or vague, potentially encompassing legitimate speech and restricting individuals' right to express their opinions. Unclear definitions and criteria for identifying misinformation or disinformation can lead to the unintended suppression of valid speech.
2. **Chilling effect:** The fear of potential legal consequences or regulatory scrutiny may lead individuals, journalists, or platforms to self-censor or refrain from discussing controversial or sensitive topics. This chilling effect can undermine open dialogue and limit the diversity of ideas and opinions in public discourse.
3. **Lack of transparency and accountability:** If the legislation grants excessive power to regulatory authorities without adequate checks and balances, there is a risk of decisions being made without sufficient transparency or accountability. This lack of transparency can undermine public trust and allow for potential abuse of power.
4. **Selective enforcement:** There is a risk that the legislation may be applied selectively, targeting specific viewpoints or marginalized communities. This can result in unequal treatment and a suppression of voices that challenge the status quo or hold dissenting opinions.
5. **Impact on independent journalism:** Measures aimed at combating misinformation and disinformation may inadvertently place undue burdens on journalists and media organizations. Excessive regulation can impede investigative reporting or limit the ability of journalists to fulfill their role as watchdogs and hold those in power accountable.

Balancing the need to address misinformation and disinformation while safeguarding freedom of speech requires careful consideration and clear safeguards within the legislation. It is essential to uphold principles such as proportionality, transparency, accountability, and respect for human rights to mitigate the risks to freedom of speech.

Regards

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