

Submission in respect to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. 23 July 2023

The framers of the Constitution of the United States so understood the importance of freedom of speech and conscience to liberal democracy that it was enshrined in the First Amendment (1789):

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Australia may not be America with a clearly stated right of freedom of speech, but Australia is a liberal democracy, inheritor of the rights of “Free Englishmen” that has been carried down from laws of England. While not an absolute right, liberal democracy requires freedom of speech. It is through unfettered free exchange of ideas, whether political, scientific, or religious, that we move forward as a society.

The type of societies that restrict freedom of speech are tyrannies and dictatorships. Australia has a long history of calling out and opposing those countries that oppressed their people’s right of free speech, such as North Korea, China, and Iran, and yet, with this proposed law Australia aligns itself with these illiberal nations.

Whatever ‘noble’ intents this legislation may propose to serve right now, it will inevitably descend to suppression of **all** speech that the government of the day dislikes. We do not need to search far for precedents in our day. In the 2020 US election, evidence of criminal activity by candidate Biden’s son, Hunter, through the disclosures on his laptop, were suppressed by social media companies under the false claim that this was ‘disinformation.’ We now know that the disclosures were true. One may argue that ‘we’ would not do such thing, but the past three years have shown that the terms ‘misinformation, disinformation, and malinformation’ have been vaguely applied to suppress all manner of public expression where it diverged from the government’s preferred narratives. Subsequently, it has been repeatedly shown that many of the government’s narratives were in fact disinformation (i.e., knowingly false).

This raises the question who defines ‘misinformation’ etc? How do we ensure that any judgement of mis or disinformation is open and subject to appropriate challenge? How do we ensure that commercial interests do not influence these outcomes? We have already observed that [REDACTED] What transparency can be expected? The legislation says nothing on this so we must assume it will end up in the hands of parties which do not have the public’s best interest at heart.

Under the threat of substantial fines, the social media companies and all digital platforms will automatically be incentivized to suppress **all** potentially controversial speech. There will be an immediate chilling of all political discourse in this country.

Censorship is a threat to democracy

I ran as a candidate for a minor political party during the 2022 Australian Federal election. I experienced firsthand how platforms such as Facebook censored and suppressed political expression during the election in this country. My own posts discussing economic policy, responsible spending and censorship themselves shadow banned, suppressed and deleted with vague claims of breaching ‘terms of service’ etc. Comments and critiques on the statements by

the major parties were often flagged as abuse, deleted or blocked. Censorship is already occurring in this country but is hidden. The effect of this secretive censorship is fundamentally corrosive to our democracy and can only become worse under a formalized censorship regime, where all inconvenient criticism of the government and its policies will eventually be suppressed by labelling them as misinformation.

Existing legal recourse

The legislative fact sheet uses spurious justifications for these laws when in fact existing legal recourse exists. For instance, it is already illegal to promote racism, criminal activities, terrorism online. Vandalism, threats and actual violence are already crimes. Does anyone actually believe that anyone in the entire world injected themselves with bleach to combat a 'viral infection'? This is nonsense and could be defined as disinformation in and of itself. With existing recourse already existing, why does the government want additional powers to suppress free speech?

Without freedom of speech, there will be no freedom of conscience for we are denied the right to express our conscience in public discourse, which in these days is largely expressed through social media. In a world without freedom of speech the people will ultimately be made voiceless; serfs who are told what is right for them, without right of means to reply. That the World Economic Forum and the World Health Organization have called for expanded powers to suppress speech is telling and tells us all we need to know.

Yours faithfully



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