

While acknowledging the importance of addressing misinformation and disinformation, I have concerns about the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. I believe that the proposed legislation, as currently outlined, raises significant issues that should be carefully considered before it is finalized and introduced in Parliament.

1. **Threats to Freedom of Speech:** The Bill, despite its assurances, could potentially infringe upon the fundamental right to freedom of speech. By granting the Australian Communications and Media Authority (ACMA) powers to enforce codes of practice and industry standards, there is a risk that legitimate speech and differing viewpoints may be suppressed. The potential for overreach and unintended consequences cannot be overlooked.
2. **Ambiguous Definitions:** The definitions of misinformation and disinformation provided in the Bill are subjective and open to interpretation. The lack of clear and precise guidelines could lead to arbitrary decision-making, potentially stifling legitimate discourse and inhibiting public debate.
3. **Potential for Regulatory Overreach:** Granting the ACMA the power to gather information from digital platform providers and require them to keep certain records raises concerns about privacy and data security. The breadth of these powers, coupled with the lack of clarity on what constitutes "serious harm," leaves room for regulatory overreach and potential abuse of power.
4. **Effectiveness and Feasibility:** The proposed powers, particularly the code of practice and industry standard enforcement mechanisms, may not be effective in combating misinformation and disinformation. The complexities of managing content on digital platforms, coupled with the constantly evolving nature of online information, make it challenging to develop a one-size-fits-all approach. Industry-led efforts and self-regulation, in collaboration with users and stakeholders, may be more effective in addressing these challenges.
5. **Potential Impact on Innovation and Competition:** The additional compliance requirements and potential regulatory burdens imposed on digital platform services could disproportionately affect smaller platforms and startups. This may stifle innovation and create barriers

to entry for new players in the market, limiting competition and hampering the development of diverse and dynamic digital platforms.

You were seeking views on the Exposure Draft Bill, particularly:

1. The definitions of misinformation and disinformation. Take the Governments own response to censoring Covid-19 posts,

- * The Covid Vaccines are recognised as Gene Technologies

"In collaboration with biotech company Beam Therapeutics, Pfizer scientists are developing mRNA technology as a new approach to gene editing, a form of gene therapy."

ref: <https://www.pfizer.com/news/behind-the-science/unlocking-power-our-bodys-protein-factory>

- * You can contract Sars Cov2

- * You can transmit Sars Cov2

- * The said vaccines are not safe and not effective

- * [REDACTED]

- * Senators voted against an investigation into excess deaths (Why?), all data is sourced from the Australian Government. More interestingly is the death rate fell in Australia in 2020 before the said vaccine rollout, then climb alarmingly in 2021 post vaccination.

ref: <https://www.excessdeathstats.com/australia/>

- * The Government announced a package of measures to communicate the safe and effective message during the Covid-19 pandemic aimed specifically at the Australian media. No other treatments, or positive health messages were broadcast, only a one size fits all approach to sars-cov2.

Tax Relief: Commercial television and radio broadcasters will receive a 100% rebate on their Commercial Broadcasting Tax for 12 months

The rebate will provide the commercial broadcasting sector with \$41 million in tax relief for the use of broadcasting spectrum, backdated to start from 14 February 2020.

Public Interest News Gathering Fund: The \$50 million Public Interest News Gathering (PING) program will support public interest journalism delivered by commercial television, newspaper, and radio businesses in regional Australia. PING is funded with \$13.4 million of new money as well as repurposed unallocated funds from the Government's Regional and Small Publishers Jobs and Innovation Package (RSPJIP).

- * Citizens bodily autonomy and informed consent were removed.

Australians were informed by the Prime-Minister Scott Morrison that the said vaccines were not mandatory but clearly the states were given the task of making them mandatory, making the PM comments laughable. This was made more obvious with Greg Hunt (former minister for health and aged care) stating, "*The world is engaged in the largest clinical trial, the largest global vaccination trial ever*" media event date:21 February 2021

* All items above at the start of the pandemic could and have been removed off social media platforms at the bequest of Government and are now if not entirely true. Which begs the questions who within ACMA decides what truth is and what is not truth.

2. Potential for Regulatory Burden: The proposed legislation places additional regulatory burdens on digital platform providers. These providers will be tasked with developing and implementing systems and processes to combat misinformation and disinformation. The cost of compliance, particularly for smaller platforms, could be substantial and may hinder their ability to operate effectively. Such burdens could impede innovation and limit the growth of the digital economy.
3. Efficacy of Self-Regulation: The draft Bill places significant emphasis on industry-led efforts and self-regulation. While self-regulation can be effective in certain cases, the complex nature of combating misinformation and disinformation requires a multifaceted approach. Relying solely on self-regulation may not adequately address the scope and scale of the problem, necessitating a more comprehensive and collaborative approach involving government, industry, and civil society.

Schedule 9 / Part1 / 2 Definitions / "***excluded content for misinformation purposes***"

includes the Commonwealth, a State, a Territory, a local government. As mentioned in item 1, it is apparent that the Government itself was the main source of mis and dis information.

4. Lack of Clarity on Enforcement Mechanisms: The draft Bill provides the ACMA with reserve powers to act if industry efforts are deemed inadequate. However, there is limited clarity on the specific enforcement mechanisms that will be employed. Without a clear framework for enforcement and accountability, there is a risk of

inconsistency and uncertainty in how the legislation will be applied, potentially undermining its intended objectives.

5. Potential Implications for Digital Innovation and Investment: The proposed legislation, with its regulatory provisions and potential compliance burdens, may have unintended consequences for digital innovation and investment in Australia. Overly restrictive measures could deter foreign investment and discourage the development of new digital services within the country, negatively impacting economic growth and technological advancement.
6. Serious Harm: I need look no further than pornographic and violent materials available to all children and younger adults with absolutely no Government intervention after the many years of Internet operations. I find it incredible the Government is seeking to be the arbiter of speech when dark and violent themes are freely available to the world's youth over the internet and on platforms such as Netflix, Stan etc...We have universities now propagating transgender studies, critical race theory but Government feels the need to hand hold people's right to free speech.

In conclusion, while acknowledging the intent behind the proposed legislation, I believe that further consideration is required to address the concerns outlined above. Balancing the need to combat misinformation and disinformation with the preservation of freedom of speech, privacy, and innovation is essential. I recommend a thorough review process, taking into account diverse stakeholder perspectives and public input to ensure that the final legislation strikes an appropriate balance to achieves its intended outcomes.

Many people have migrated to Australia as its seen as a world leader in democracy and for the inalienable rights of its citizens. I fear this bill in the wrong hands will censor free speech and its lack of transparency from the public's view will erode trust further in its government.

Items of concern

- Free Speech
- Who decides what is and is not mis/dis information?

- The Government itself is exempt (look at the mistakes made with covid)
- The Australian Government is outsourcing its public health responses to the WHO a non-government organisation heavily sponsored by [REDACTED].
- [REDACTED] made billions through [REDACTED] during the pandemic.
- Censorship is a direct attack on freedom and liberty of Australians and only further centralises power to a few within Government. The Government work for and are paid by the people of Australia. The power lies with the Australian People not the Government.