

Feedback on an exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Dear Sir/Madam,

I am deeply concerned and would like to express my serious opposition to the Combating Misinformation and Disinformation Bill proposed by the Albanese Government.

Free Speech is fundamental component to a democratic society and must be preserved.

The last 3 years has given us countless government funded lies and falsehood such as “ 2 weeks to flatten the curve “ , “lab leak” , “safe and effective” , “ there are no mandates” , “ there are no vaccine passports” and “ masks work” to name a few .

To speak out against the aforementioned falsehoods was considered misinformation and “dangerous”. The real danger was the original fabrication.

The one and the only way to combat and expose the documented incompetence of Government and bureaucrats is through the exposure of these lies.

I am deeply concerned with the underlying threat to democracy this Bill represents, for the following reasons:

- The Bill is a significant overreach by the government.
- The Bill is inconsistent with fundamental freedoms of speech and communication under international human rights instruments like the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- The Bill puts too much power in the hands of unelected bureaucrats to silence speech in the public square without transparency or accountability.
- The Bill includes a vague and ideological definition of “harm” which risks it being weaponised to shut down legitimate speech on pressing social issues.
- The Bill does not require mechanisms that will hold digital service providers liable for excessive and onerous policing of legitimate speech.
- The exclusion of government-authorized content from this censorship regime is hypocritical and inconsistent and will establish an asymmetry that results in one rule for government and another rule for Australians in what they can say.
- The Bill gives ACMA excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation that is a worrying breach of privacy.

- The Bill does not provide a sufficient standard of accountability and oversight for misuse of censorship powers.
- The few provisions that have been included to acknowledge the competing right to freedom of expression are tokenistic and do not satisfy the high bar required in international law for the interference with fundamental rights of freedom of expression.
- The severity of the penalties for failing to comply with the misinformation codes and standards and for failing to provide evidence requested by ACMA is excessive and will provide a 'chilling effect' on free speech.

I urge the government to withdraw this Bill and uphold the fundamental rights of every Australian citizens as stated in the Universal Declaration of Human Rights – 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.

Everyone has a Voice and the right to be heard, no matter how uncomfortable that message is for elected officials and activists.

Anything less will cause serious, detrimental, implications for free speech and democracy in Australia. I urge the Australian government to uphold the principles of transparency and accountability, and foster an environment where open debate and diverse opinions are welcome.

Regards

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