

COMMUNICATIONS LEGISLATION AMENDMENT (Combatting Misinformation and Disinformation)
BILL 2023

I am writing as an Australian constituent to comment on the draft Bill, as invited, and to submit my opposition to the proposed amendment that would give ACMA reserve powers as described in the proposal. The reason given for the amendment is that it would only be used if the digital platform could not self-regulate. So digital entities have: ranked searches on search engines to make contrary views difficult if not impossible to find/access e.g. Google, shadow banned and banned individuals that do not conform to rules imposed by the platform e.g., Meta, Twitter, have demonetized individuals, e.g. YouTube, and have actively undertaken to “fact check” and malign those who are true authorities (experts) if their view is contrary to the current political dogma. Debate of any kind is disallowed; no clarification of decisions is necessary, and no justification is required. Whether these activities have been undertaken at the behest of a Government body is the subject of current investigations/enquiries in multiple countries.

I have read the draft Bill, guideline and factsheet and am alarmed and outraged by what is contained therein.

My view on the Exposure Draft Bill is that it is designed to limit individual freedom of speech/opinion/expression by allowing a government entity to regulate privately owned digital platforms on the premise that Australians are unable to discern what may or may not be mis/disinformation.

My view on the proposed definitions of misinformation and disinformation is that they are designed in such a way that a Government body can proclaim anything that serves their agenda to be classified as said mis/disinformation with resultant censorship.

My view on the proposal that allows for codification and standardization of digital platforms if the Government body does not agree with how said platforms manage what the Government body deems to be mis/disinformation causing what the Government body deems to be harm whilst exempting said government from the same standards whilst allowing any comments related to be subject to the mis/disinformation rule could also be known as Government propaganda. By monopolizing propaganda my view is Government becomes totalitarian in nature, something that must be met with stringent opposition by the populace that would be oppressed.

The thinly veiled assurances that the Bill includes “strong protections for privacy and freedom of speech” offer nothing substantive in the way of said protections. I refer to the ability for ACMA to require digital platforms to gather information and records of private message services that contain mis/disinformation that I presume would allow for the proposed massive fines by ACMA on the entity AND the individual to be applied. Would a jail sentence be applied for non-payment of an arbitrary fine? My view on the civil penalties and enforcement mechanisms is that they will be used to force compliance with Government propaganda and result in curtailment of individual freedoms in relation to speech, opinions and expression of same.

I would reference here the Universal Declaration of Human Rights given that Australia was a founding member of the United Nations and was involved in negotiating and drafting the Declaration.

In particular, Paragraph 2 of the Preamble and Articles 2, 19 and 30 as follows:

Preamble Paragraph 2

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human

beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Articles

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 19

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.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

[Universal Declaration of Human Rights | United Nations](#)

I believe that there are already protections available to the individual, both child and adult with the E Safety Commission established in 2015. It is my belief based on lived experience, that Government is sometimes the greatest purveyor of mis/disinformation with the resultant identified harm as defined in this draft Bill.

I do not believe that ACMA is an independent Authority given that ACMA “commits to undertaking its role in meeting its objectives in the context of the Governments broader media and communications policy” and reports to and complies with Ministerial directions (as per Statement of Expectations, Michelle Rowland, Minister for Communications, dated 7 December 2022).

In summary, my answer to the question as to “...whether the proposed legislation strikes an appropriate balance of a range of issues such as freedom of expression...” can only be no. The passage of this Bill would be an assault on the civil liberties of Australians. It would result in an Authoritarian overreach that has no place in our society and I cannot believe that any Australian political body or individual would even consider that such a proposal should be put forward.

