

SUBMISSION

Exposure Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Thank you for the opportunity to make a submission on the exposure draft Bill.

My reason for making this submission is to add to the growing voices that are calling for this Bill to be withdrawn. The Bill proposes legislation that is completely antithetical to human rights, free speech, and government accountability in a democratic society.

This Bill attacks the fundamental human right of freedom of opinion and expression of all Australians, and is a significant overreach by the government. It is completely Orwellian in nature, being destructive to the welfare of a free and open society.

Key arguments that accurately highlight why this Bill is so problematic include:

- 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 the Australian Communications and Media Authority (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 implore that any recommendation arising out this submission process is unequivocally against this Bill proceeding in its current form, and certainly not until all of the above issues are fully addressed.

Yours Sincerely.