

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

I am **against** the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, as proposed in the exposure draft, granting the Australian Consumer and Media Authority (ACMA) expanded powers to police what is published in the public space.

My main issue is that is an inherent problem in ANY body being the sole arbiter of what is correct and incorrect information. There is potential for interference with the publication of dissenting opinions under the guise of “keeping us safe” which would be effectively a winding back of free speech.

Assurances that ACMA will not directly censor media content does not ameliorate my fears. ACMA will prescribe the “Misinformation Standard” and media platforms could feel pressured to self-censor content so they don’t fall foul of ACMA. In seeking to avoid sanction and penalties by the regulator, they will exert restrictions on content through the demanded “Code of Conduct”. They will be afraid that their code will be deemed ineffective. This will stymie the free flow of information and content that is in fact protected free speech.

The exclusion of Government and potentially major media sources from the new Bill is also of concern to me. Government sources are not always correct, just as non-government sources are not always incorrect. A recent example of this was the COVID experience, which showed that collective behaviour (as prescribed by Government) was frequently badly informed and implemented. Under the proposed amendment, ACMA will be potentially susceptible to Government influence, where the Government is conveniently excluded from the Bill.

Another concern is with the broad definition of “harm”, which goes beyond extremist publication and includes just about any topic that potentially could be controversial. This introduces the spectre of censorship of opinion (even if it has merit) on the basis that it does not agree with broader public or (particularly) Government policy.

I am concerned that the balance between state censorship and permitting citizens to exercise their individual judgement will be tipped far towards the former situation with the institutional concept of “the common good” trumping individual rights and freedoms. Censorship stems free flow of ideas and information, particularly when effectively controlled by a single entity. The Government should have confidence in the public to form their own opinions based on open access to opinion and information. This Amendment Bill will in my opinion have the opposite effect.

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