Submission

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

I object to the proposed legislation in the strongest terms based on the following:

- The proposal will place limitations on freedom of speech and expression of ideas in the 'digital public square', which constitutes an assault on freedom of individuals and groups to engage in public debate.
- The terms and definitions of what constitutes 'misinformation', 'disinformation' and 'harm' in the legislation are extremely broad, and open to a wide range of interpretations.
- Digital platforms will be forced to monitor and police all discussions that take place on their platform. They will be required to make their own determination about what constitutes 'misinformation' in different contexts under the very broad framework of the legislation, including taking action to prevent what they identify and consider to be 'misinformation', and reporting on all such activity to the government (via ACMA).
- Should Digital organisations fail to monitor and police the public discourse as directed by the legislation, they will be subject to huge fines and possible criminal charges, all in the name of minimising 'harms' to certain people who may be offended by another person's viewpoint or comments.
- I think most people understand that engaging in racial or religious abuse (for example) in a public forum is unacceptable. However, the legislation's definition of what is included in the definition of 'harm' extends well beyond the community's view of taboo subjects that need to be monitored and curated. For example, in the legislation 'harm' is considered to include, matters relating to health, to the environment, to economic or financial matters, Australia's democratic process, public order etc.
- Nowhere in the legislation does it set out what viewpoints are acceptable, and what would be regarded as 'misinformation' regarding any of the nominated 'harm' areas.
- This means that it will be up to the digital platform to make the decisions on which comments, viewpoints and opinions constitute 'misinformation' and need to be restricted or otherwise dealt with. It is worth pointing out that these digital platforms are almost all private, unelected organisations, who will be making very important decisions that go to the heart of freedom of speech in this country.
- We saw how this arbitrary decision making about what is true and what is misinformation can lead to wrong and potentially harmful decision making, during the recent pandemic, with social media organisations blatantly censoring viewpoints that were determined to be 'misinformation, only to be later proven to be correct.
- As an example, in early 2021 when the first covid vaccines were released, the public was told by health authorities that the vaccines would stop transmission of the virus, despite evidence to the contrary that was emerging from real-world observations. Those who countered the government narrative with regards to the issue of transmission were often shut down by social media, even if they happened to be medical or scientific experts. However, some time later it was established that the vaccines did not in fact stop transmission of the virus as admitted by

pharmaceutical companies such as [redacted]. In that case it turned out that it was the government narrative that was in fact the misinformation, rather than those with an independent view. This provides a valuable example of why we must preserve freedom of speech without the broad limitations that are proposed.

- Finally, I would note that the way in which the legislation divides the community into two groups ie those who are bound by the misinformation rules, and those who are exempt, is fundamentally divisive to the community, and will significantly reduce the range of opinions that can be aired in the digital platforms used by the Australian community.
- Under the legislation, the exemptions from being monitored and restricted will apply to mainstream news services, representatives of government, accredited education providers and comedy entertainers. We see no better example of why this is inappropriate than in 2003, as Australia contemplated joining a war with Iraq. At that time, both government and mainstream news services told the public that the reason we needed to go to war was because Iraq had weapons of mass destruction, a claim that was later revealed to be totally false. If this proposed legislation had been in place at that time, those who opposed the war and the false reasons for joining the war, would likely have been censored under this proposed misinformation legislation.

These are the main points that support my case that the legislation must not proceed, and I urge you to preserve all aspects of freedom of speech that Australians enjoy today.