

8 August 2023

To the submissions board,

As an Australian, I am writing to express my extreme concern regarding the draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Act 2023. I do not believe that it strikes an appropriate balance on the issue of freedom of expression.

The new bill would allow the Australian Communications and Media Authority (ACMA) to require digital platforms to screen information shared for so-called "misinformation and disinformation". My concern is that an overriding authority becomes the arbiter of deciding what is misinformation and disinformation. I believe that we, as individuals, are capable of considering all presented information and making our own informed decisions as to what we do, and do not, believe. If a governmental authority has the power to decide for us what is the "true and only" narrative, we are being treated as children, incapable of making our own informed decisions. There is no freedom of expression if what we are being shown is being moderated by the ACMA, or the digital media platforms under incentives or threat of ACMA censure if they do not comply with moderation.

This bill defines misinformation as online content that is false, misleading or deceptive and disinformation as the same but with the intent to cause serious harm. Who, in these cases, is deciding what is false, misleading or deceptive? Even experts in many different fields hold opposing and conflicting opinions, based on cherry-picked data that suggest one thing or another. Just because you agree with a particular expert does not mean that they are the one and only source of ultimate truth. Many things in the course of history have been declared false by experts, only to be later found to be true (such as the earth going around the sun, instead of the sun going around the earth). Without the ability to put out all kinds of theories and viewpoints, there would be no discussion, no rational thought, no progress of ideas and information. "However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries, but on the competition of ideas" (This is a quote by the US Supreme Court in *Gertz v. Welch*). No government or independent entity has the right to decide for each and every individual what line of thought they must pursue, including through slowing dissemination of views suspected of falsity. If they take that course, they are removing free thought and expression from the individual, and we are rapidly moving away from democracy and down the path of totalitarianism.

I also question the power given to the ACMA to determine what is likely to cause serious harm. The ACMA is not a parent, making decisions about what will, or will not, cause harm to its children. It is an agency that seems determined to sterilise the environment from anything potentially difficult to digest for some people. For instance, if I was to say "A person cannot change their sex", which is a personal opinion based in biology, the proposed powers could declare that to be hate speech and therefore harmful to a small percentage of the population who disagrees with that, making it qualify as disinformation under their rules, and therefore amenable to censorship. Surely, it would be better to encourage debate and conversation about such things, rather than complete censorship of a

particular point of view. He who refuses to engage in debate is often he who knows his argument has no merit or validity and so avoids all engagement instead.

Reject this bill in its entirety and restore freedom of expression to the individual, where it should always remain.

Sincerely,

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