

Summary:

This bill is a slap in the face for every Australian.

Firstly, we do not elect governments to rule over us. Governments are there to serve us.

Secondly, government bureaucrats are in no better position to determine what is 'safe' information and what isn't than any member of the public.

Thirdly, it is not the job of government bureaucrats to be the public's 'protectors' from 'harmful' information and opinions. We cherish personal freedoms and free speech in Australia and we expect to be exposed to ALL information, on ANY platform, so that we can continue to exercise the freedom of choice to form our OWN opinions on what is real information and what isn't.

Recommendations:

While cognisant that there's a lot of information out there on the internet that may be construed as harmful for some people, a bill such as this would have been much more workable had these issues been addressed:

1. The current definitions of 'Misinformation', 'Disinformation' and 'Serious Harm' within the Bill are unworkable. Given that the Bill rests upon these definitions, this renders the Bill itself unworkable. The definitions should be amended such that they are not contingent on the identification of "truth", but are rather aimed at capturing content that is of a criminal character, or which constitutes a criminal offence.
2. If the Bill is to be allowed to pass, stronger protections for free speech must be incorporated into it, which would require a drastic re-drafting of the Bill. Anything

less should not be allowed, because freedom of speech and expression are such fundamental rights in our democracy.

3. Stronger checks and balances need to be incorporated into the Bill such that ACMA is not allowed unchecked, unilateral, unchallenged power to create codes, rules and standards;
4. Statutory mechanisms for review and challenge of ACMA decisions must be incorporated into the Bill, with external and independent oversight that is timely and efficient;
5. ACMA's discretion should be limited and couched within clear parameters for reasonable assessment by a Court;
6. The Bill must include a Clause excepting the provision of any information that would render the provider in breach of Privacy legislation. Specific particularisation of why the various powers granted to ACMA by the Bill are necessary for the purposes outlined in Article 19 of the ICCPR, including reasons as to why less onerous approaches are not sufficient.
7. The Department and the AHRC should collaborate to ensure, as per the AHRC's statutory function, that the Bill is compatible with Australia's human rights obligations at international law;
8. The Department should immediately release the Statement of Compatibility for public scrutiny, and confirm the establishment of the Parliamentary Joint Committee on Human Rights with respect to the Bill;
9. Stronger, proactive protections for the implied right to freedom of political communication;

10. Include Guidance Principles within the Bill that make clear the importance of freedom of speech and expression, and which force ACMA to acknowledge these rights when making decisions;
11. Follow the DIGI Code's lead in ensuring that content producers should not be compelled by Governments or other parties to remove content solely on the basis of its alleged falsity if the content would not otherwise be unlawful.
12. Amend the definition of 'digital service' to clarify and ensure that an individual who posts on a social media platform is outside of the scope of the Bill's operation.
13. The drafters of the Bill must be clear in their intentions. At present, the Guidance Note and the Fact Sheet say one thing whilst the functionality of the Bill suggests something else. This will result in complex and costly litigation;
14. If this bill is to be allowed to pass, it should apply to everyone, including Government, professional media organisations and any other entities that the current bill proposal exempts.

Conclusion:

1. When the public is no longer the arbiter of truth, and that role becomes usurped by bureaucrats and governments, history suggests that the resultant censorship erodes the public's collective trust in authority.
2. In its current form, not only is the Bill unworkable and illogical, but it betrays a fundamental lack of understanding, or lack of care, for the human rights of Australians; and in particular for the right to freedom of speech and expression. It is unlikely that minor amendments will be enough to save this Bill. Its sponsors provide no evidence to justify the intrusions it proposes into the private and civil autonomy

of Australian citizens, whilst purporting to vest unrestrained investigatory, quasi-judicial and non-reviewable policing power into a body without Constitutional authority. Should such laws be enacted there is little doubt that complex litigation will ensue. The impact on the Australian legal system could prove to be detrimental to the administration of the entire legal system.

3. As it stands, we fundamentally and vehemently oppose this Bill. If such law is allowed to pass, it will not only signal the death knell of the internet as a free marketplace of ideas in Australia, but it will signal to Australian citizens, and to citizens of the globe, that the Australian Government seeks total control of the dissemination of information within its borders, and that such control is more valuable to that Government than the individual rights of its citizenry. That would be a dark day for democracy indeed.

4. While the above refers to the particulars of the bill as it currently drafted, the much bigger issue here is the brazen and shameful attempt by bureaucrats to impinge on Australians' rights to privacy and freedom of expression, then insult, offend and demean Australians under the guise of 'protecting' them from harm – as if Australians are too stupid and/or too infantile to figure out for themselves the kind of information they choose to either consume or publish. Indeed, Australians want to be exposed to ALL information, on ANY platform and be able to freely form our OWN opinions on what is real information and what isn't.

We do not need to be 'protected' by the government from any information and/or the opinions of other people. It is not the government's job and it is certainly not the

reason it was elected for, especially as this particular issue was NOT introduced as part of an election campaign.