

Re: ***The Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.***

Thank you for this opportunity to make a submission on such an important bill.

It cannot be understated the momentous and pervasive changes which will be wrought upon society – the way we access and share information – if this bill succeeds, with or without considerable amendments or improvements.

To be frank, one might wonder, does Australia even need such a bill when we already have shored up laws surrounding communication, IT services, privacy, access, libel and defamation and we have robust and enforceable standards across many industries. We have rights afforded every citizen concerning opinion, speech, assembly and affiliation. We have proud democratic processes and protections.

This ‘misinformation and disinformation’ law feels like overkill, feels like big-government overreach. It feels like it might suit a few, but negatively impact the majority. And it definitely feels like it might purport to one thing, but invariably mean another.

This bill proposes changes and controls over digital platforms. ACMA will have the scope to gather information and keep records. ACMA will require digital platforms to develop a code of practice and further have the power to enforce the same. ACMA will be able to create and enforce industry standards.

And that all sounds fine and benign. But these measures and this control will exist in the realm of ‘misinformation and disinformation’ – what someone says, what someone’s opinion is, what someone shares. And ACMA will get to decide, under its own auspices, what is ‘true’ and what can and cannot be shared.

In an era when indisputably very ‘nasty’ and deleterious things exist in the digital world – porn, violence, imagery, crime, scams, abuse – all at the click of a keyboard and with or without existing industry controls, here we are now focused on what someone says, with what their opinion is, and with whether that should be able to be shared or not.

So, yes it feels like overkill. It feels unnecessary in light of greater ‘evils’ and it is concerning as to how ACMA will handle its new responsibilities.

The extent to which the Australian Government and its vast bureaucratic realm is actually concerned with the safety and wellbeing of its citizens, vis a vis digital information, might be commendable.

However, the recent track record of the Australian Government's (and various State Governments, for that matter) handling of COVID information, raises concerns.

A good deal of the official Government COVID information which was disseminated daily and incessantly across this vast land, is now shown to have been in error, overblown and questionable. Further, the Government's and the media's heavy-handed censure of any person or group who questioned the mainstream COVID narrative, also raises a flag.

Australia faces other major and societal forming issues today – matters to do with climate change, LGBT, education, energy sources and costs, the Voice – all huge topics which engender much information, thought, opinion, debate and comment.

And as with all issues, there is the standard Government, mainstream media stance and there is dissenting and oppositional thought. The zeitgeist versus the alternative; often the mainstream versus the silent majority.

My point? Who gets to decide what is actually 'true' and what is actually 'mis-' or 'dis-' information?

Can ACMA be trusted to authentically and with great integrity and without bias or graft or influence, *actually* proclaim what is fact from fiction? What is truth from lie? Can we trust them to be the arbiters of all things 'truth'? Can digital platforms be trusted under the heavy gaze of ACMA and the threat of a monetary penalty?

Why is our current Government even making it matter? Why does it seem so important to them?

Why can't all opinion, all thoughts, all ideas, all 'truths' exist side by side and let the general public decide? Let the reader, let the seeker, let the researcher decide?

Why can't the Government and the mainstream media – the ABC, other channels, newspapers, radio, mailouts – all disseminate the news and facts as *they* see fit and let other bodies – non-mainstream entities and on-line platforms or individuals, all share any alternative stance, as *they* see fit?

Why 'police' thought, opinion, ideas, and the sharing thereof, when surely the adult populace is smart enough to sort through all the information for themselves, do their own research and come up with their own conclusions?

Or one could argue that the 'average' adult simply only listens to / reads mainstream sources and doesn't even seek out or countenance 'alternative' news. Doesn't Mister Average, simply watch the Channel 9 news each night and not even care that someone, somewhere is saying a different thing? Aren't enough people comfortable with what the

ABC tells them and they go about their lives happy enough with that? And why can't it be 'horses for courses'? Each to their own?

But no, apparently not. Now we have this proposed new bill to contend with.

Ultimately this bill simply sounds like censorship. It is a measure to stifle non-mainstream news sources, to eliminate non-government narrative, to dissuade on-line platforms from publishing the same and to control, in a central manner, all news and information.

Add to that, ACMA will have the power to fine and monetarily penalize a platform or an individual found to be in breach of their new standards. And that just sounds completely heavy-handed and unnecessarily punitive. Either that or a new way to increase the Government's coffers.

And it feels as if this could simply be a gate-way bill to usher in further big-brother, censorial, draconian laws.

Is that where we are at in this democratic western nation? Is that where we now find ourselves in history...where we are not free to think, express or opine for ourselves or to share information and ideas? Does Australia not trust its citizens to think for themselves and to seek out truth wherever they may find it? If it is to be found in mainstream media outlets and at MP press conferences, then terrific, job done! But good folk everywhere should still be able to utter a counter-narrative or to seek alternative views as they see fit.

Do we honestly presume to control thought, opinion, expression and ideas? Let this pluralistic, post-modern, multi-cultural nation throw all of its ideas and opinions into the big pot which is our internet and let the good folk of Australia have at it. Let the market-place, the town-square, the street corner, the pub, sort through it and take care of it. Let people find their own news or information from the mainstream or alternative sources, let them make up their own minds and let's not penalize people who would offer alternative news or information. Let's not be afraid of the non-mainstream.

This bill is insidious. We do not need it nor will we welcome it.