

## Feedback

### Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 Exposure Draft

#### Introduction

I absolutely reject this bill proposed in the form in the Exposure Draft and request it be withdrawn or at a minimum, reworded, to remove many of the components detailed in my concerns below.

#### Concerns

1. I believe that this Bill is a blatant attack on freedom of speech within Australia. The ability to speak freely is a right for all Australians. I have witnessed many attacks on free speech by our Government and foreign companies over the last few years which has caused division amongst our population to the detriment of our country. Freedom of speech is recognised by our Government in the link from our Australian Attorney-General's Department website (<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-protections>).
2. I am concerned that there is an assumption in the draft changes to this Bill that anything published by either:
  - 2.1. The Australian Federal Government, State Governments, or Local Government
  - 2.2. "Professional" news Providers (ABC and SBS were specifically noted)
  - 2.3. Educational institutions
  - 2.4. Electoral Offices

is guaranteed to be truthful and thus not considered harmful, yet I believe that there has been masses of proof over the last few years to the contrary.

3. I am very concerned about who defines "harm". Is it ACMA? Is it the companies offering the online service where Australians have published information or comments? Is it professional "fact-check" companies employed/contracted by ACMA or the online media companies on a "fee for service" basis? I feel much of this is open to abuse.
4. I believe that by ACMA "hand-balling" the policing of this act to foreign owned media platform providers (e.g. META, Google, TikTok, X) they may be encouraging foreign interference into Australian political discussion which is the last thing any Australian would want or deem good and right.
5. We have already seen on social media platforms over many years where "fact checkers" not familiar with Australian culture and speech have removed content from their platforms already, incorrectly, or at least shadow-banned users incorrectly due to the "fact checker's" misunderstanding. This will occur more and more if this Bill is passed in its proposed form as social media platforms and content publishers try to avoid the massive fines proposed in this Bill, especially when "fact checkers" (e.g. RMIT Fact Check) are incentivised to find as many "infractions" as they can. I am also concerned that the knowledge and skill level of "Fact Checkers" may be lacking, especially in terms of detailed medical/scientific information, so are unable to accurately assess if something should be removed. With the current requirements of

this proposed Bill, they will err on the side of caution to avoid the proposed fines thus removing factual content or deciding it will cause "harm".

6. If information is factual, can it be removed by social media platforms? There have been examples over the last few years where content that is factual was removed if it conflicted with Australian Government statements or direction (e.g. Covid-19 vaccine program), thus disallowing debate and removing the right of other Australians, or indeed the world, to be aware
7. If one of the excluded entities listed in item 2. above, publishes something that is known, or proven, to be misinformation or disinformation or not factual, will it be removed?

I believe that components of this proposed Bill are taking Australia down a dark path. I believe we need to encourage free speech and debate. Yes, occasionally something will appear harmful to some people or institutions and if so, they should just ignore it or debate it. We don't want Australia turning into a "nanny" country any more than it is. Government interference in the free flow of ideas is not the Australia I want and I believe many Australians would feel the same.

Therefore I reject the proposed changes to this Bill and believe it should not proceed.