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16 August 2023

The Secretary
Communications Legislation Amendment Enquiry Committee
Information Integrity Section
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

Dear Sir/Madam

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Thank you for the opportunity to make a submission to the Committee concerning the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (**the Bill**).

I am strongly opposed to this Bill and indeed any similar legislation that is intended to limit access to free expression of opinion and belief on digital platform services.

I can understand that the government and its authorities may wish to restrain information which is clearly false and/or misleading and which, in the government's view, is detrimental to the Australian community at large. However, there can sometimes be a very fine, and often quite subjective, line between what is deemed to be "false and misleading" and what is just information that is contrary to the government's stated position on a particular issue.

For me, the question on misinformation will always come down to: ***who gets to decide what is and what is not misinformation?***

ACMA's report "*A report to government on the adequacy of digital platforms' disinformation and news quality measures*" (ACMA, 2021) referred, by way of a case study, to the pandemic and the varied and often contrary information that was available during this event and the clear frustration that government authorities had in convincing the public to comply with its mandates and edicts.

However, it concerns me greatly, for example, that news reports on the origins of the virus as published during the pandemic by respected investigative journalists, such as Sharri Markson, may well have been shut down under the proposed Bill if she had tried to publish her findings on a digital platform rather than through a mainstream news service. Her findings were regularly discredited by several news outlets, including the ABC, because the content did not conform to the accepted government narrative at the time. It is only now becoming apparent that Sharri Markson's sources, reports and conclusions appear to have been true and correct. I am also aware of others who published similar findings on digital platforms, and these may well have been removed under this proposed Bill.

There are two things that the Committee should consider in its review of the Bill. Firstly, that most Australians are quite able to make their own decisions on matters that affect them directly, and secondly, Australians will generally source information that confirms their strongly held beliefs and convictions, one way or another and quite apart from the “official government” line. Digital platforms certainly make this process much easier these days, but Australians have always been able to come to a rational view on issues affecting them either through the media or in their local communities. Outlets such as the ABC traditionally were an important source of information but sadly, in recent years, even this outlet is now perceived to be merely a mouthpiece for government and thus many Australians have felt the need to look elsewhere.

I am very concerned that the Bill proposes to make use of digital platform industry codes to administer the government’s controls on what information is allowed to be made available to the public. The threat of heavy penalties would almost certainly force digital platform service providers to curtail anything that risks raising the ire of government and thus will potentially skew information more towards the government’s position. For example, I have already detected a bias in search engines towards the “Yes” case in the run-up to the Voice referendum.

The main problem with the proposed Bill is that it potentially strips Australians of their basic right to freedom of opinion and the freedom to express that opinion. I remind the Committee of Article 19 of the Universal Declaration of Human Rights (UDHR) of which Australia is a signatory: *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”* The proposed Bill will potentially cut right across this basic freedom.

The Bill potentially has far-reaching consequences. It could be used to restrict free debate and the sharing of ideas on a wide range of issues including, for example, politics, religion, ethics, views on the environment, history etc. – indeed anything that the government deems to not be within its accepted narrative.

I am very concerned about the open-ended nature of the proposed Bill and its potential to be misused by a government seeking to control its people, such as we saw during the pandemic. The government would only need to hint to the digital platform industry that it was concerned about a particular view being expressed on social media and the Code would be adjusted accordingly. The offending view, along with any associated information, would disappear from the platform and the matter is dealt with – quietly and efficiently.

This Bill will not serve this nation well and I believe that the Committee should recommend that it be rejected.

Thank you for your consideration of this submission.

Yours respectfully

James Beckwith