

17<sup>th</sup> August 2023

To whom it may concern,

I would like to make a submission on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. I feel that this should not proceed as it will severely restrict freedom of speech and lead to serious unintended consequences. Regardless of the supposedly noble grounds for this legislation it is going to be a major restriction on the proper functioning of society. We have achieved the current level of civilisation because of constant questioning and adherence to the scientific method and the scientific method relies on questioning your assumptions and beliefs. Science is never settled.

I have noted that the government is excused from this legislation. There are many examples where government has been wrong or have deliberately deceived the public. It cannot be assumed that government is always benign or correct. Electoral communications from digital providers are not exempt, this may result in electoral communications being restricted. You may find that another political party attains power and uses this bill against providers that are sympathetic to the opposition. This could come from all sides of politics. It is also stated that private messages are exempt from the rules but the last paragraph under clause 3.1.2 contradicts this. This paragraph will lead to monitoring and censorship of private messages by providers to ensure they don't contravene the legislation

In reference to clause 3.3.1, using fact-checkers and other third party contractors to monitor communications is a case of introducing politically biased organisations in to this process. There is a great deal of evidence to show that so called fact checkers have strong political biases and are themselves guilty of spreading mis- and disinformation. It also opens the possibility of activists making vexatious complaints about a provider, even if these complaints are ultimately rejected, the mere making of them and the considerable time a provider must use to fight them will effectively silence any alternative views to the activist belief.

Regarding clause 3.3.2, abrogating the right against self incrimination is a dangerous step in the direction of removing traditional legal protections that have underpinned our society, the consequences of which are hard to predict. It puts people in a very difficult position, where they can be charged with a crime whether they speak up or not. It should be up to the judicial system to find and present evidence in a court of law that a crime has been committed.

The size of the fines are going to be a very effective deterrent on speech that will go way beyond the scope of this legislation. Digital platform providers can be fined up to \$1.375 million, individuals up to \$275,000k, or daily fines of \$11,000 to corporations and \$8,250 for individuals and 12 months gaol. This is blatantly excessive and is going to be a very effective brake on all communication due to fear of non compliance, even into areas not meant to be covered by the code.

Many beliefs in the past have turned out to be incorrect and this is only due to small numbers of people questioning established "facts", that turned out to be untrue. Examples are, the earth is flat, blood letting is a cure for disease, exercise is bad for you, ulcers are caused by worry and treated by antacid. Anyone who questioned these beliefs would fall under the scope of mis- and disinformation legislation if it existed at the time. And there have been versions of such legislation in the past, and it is only with the overturning of restrictions on free speech that many established beliefs have been overturned. Questioning, challenging, refuting, arguing and debating established beliefs is crucial to getting closer to a genuine truth. And the best way to refute mis- and disinformation is to allow debate, and to explain

the government beliefs and the facts and logic behind that belief. Just banning speech is going to be the best way of fostering conspiracy theories and mis- or disinformation, these things are usually exaggerated in a low information environment. I hope that the current government can see the danger of this bill and cancel their plan to introduce it.

Regards,  
Lance Smart

[REDACTED]  
[REDACTED]  
[REDACTED]