

ACMA SUBMISSION

The Australian Government intends to introduce the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 in the Parliament later this year. It must be noted that the request for public submissions is limited to discussion about details of the proposed Bill NOT whether this Bill is necessary.

I submit that the proposed Bill is not necessary and rather than protecting the Australian people from harm it seeks to seriously restrict freedom of speech / expression.

The proposed Bill is not necessary as the terms misinformation and disinformation are highly subjective. The notion of keeping people 'safe' from misinformation is itself misleading, as speech, even based on falsehoods, cannot cause real, direct harm. Laws should not be made for highly personal and subjective matters.

- who decides what misinformation and disinformation are.
- who decides whether any information under question is misinformation or disinformation?
 - what if the misinformation or disinformation stems from the government themselves, mainstream media, major corporations and fact checkers? All of whom use social media rather effectively in pursuing their agendas. Recent examples of misinformation and disinformation include "children overboard", "weapons of mass destruction held in Iraq", "efficacy of face masks in preventing the distribution of and protection against viruses" and, of course, "the efficacy of vaccines in preventing the distribution of and protection against
- Proving the existence of a motive or intent is subjective.
- What counts as truth in this matter? Is the government the "one source" of the truth? As recent history shows the answer is clearly not.

The proposed Bill, if implemented, will have a significant impact on freedom of speech/expression in Australia. The High Court has held that an implied freedom of political communication exists as an indispensable part of the system of representative and responsible government created by the Constitution. It operates as a freedom from government restraint, rather than a right conferred directly on individuals.

Additionally, freedom of speech is recognized throughout the world as a fundamental human right and Australia is signatory treaties/charters to this effect.

Is it just a coincidence then that countries such as USA, UK, Germany, Canada and New Zealand are pursuing the same "clamp downs" on freedom of speech?

A healthy democracy remains healthy through the freedom to express and argue individual opinions.

- social media platforms have fulfilled a basic human need to connect and share information. This need has grown as people no longer accept at face value the messages from governments and main stream media.
- administrators of social media channels already regulate hate speech by banning promulgators.

- social media channels promote a diversity of opinions as long as there is respect and supporting evidence is provided.

A government that calls itself democratic but regulates freedom of speech/expression is one that is leaning towards authoritarianism. The democratic response to misinformation and disinformation is for a greater freedom of speech/expression NOT less.

We have in Australia a relatively free and robust sharing of information in what could be described as “an open marketplace of ideas” which is the best defense against falling into corrupt ideologies or government control.

Keith Farrelly

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