

Comments in relation to the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I reject the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

The draft Bill proposes to give the Australian Communications and Media Authority (ACMA) powers to 'create and enforce an industry standard' for 'digital platform providers' (social media, search engines, instant messaging services, news aggregators and podcasting services) 'to have robust systems and measures in place' to 'combat' so-called 'misinformation and disinformation'. The draft Bill declares that 'misinformation and disinformation pose a threat to the safety and wellbeing of Australians as well as to our democracy, society and economy.' Rather than 'misinformation and disinformation' posing a threat, in my opinion, it is this draft Bill that poses a threat to our democracy, society and economy! The draft Bill is a serious government overreach!

I do not believe that the draft Bill 'strikes an appropriate balance' in relation to freedom of expression and freedom of speech. The Bill is inconsistent with fundamental freedoms of speech and communication under international human rights instruments like the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights. Article 19 of the *Universal Declaration of Human Rights* declares that: '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.' I don't believe the draft Bill allows for this freedom of opinion and expression. The Bill must include mechanisms to protect the valid expression of opinion and belief. The Bill must also ensure that there are clear and defined limits on the suppression of speech.

Terms used in the draft Bill such as 'misinformation', 'disinformation' and 'serious harm' are ambiguous and would depend on the judgement of anonymous bureaucrats. The draft Bill refers to a 'threshold' over which 'misinformation or disinformation' is deemed 'likely to cause or contribute to serious harm.' Who defines what this 'threshold' is and what 'serious harm' is? The Bill puts too much power in the hands of unelected bureaucrats to silence speech in the public square without transparency or accountability. The vague definition of 'harm' could be weaponised to shut down legitimate speech on pressing social issues.

I believe it is hypocritical that government, government-sponsored educational institutions and 'professional' news service are exempt from the rules to which all others will be subject should the Bill pass through the Australian parliamentary process. Government, government-approved educational institutions and 'professional' news services are, in my opinion, equally capable of intentionally disseminating 'disinformation' or inadvertently creating or sharing 'misinformation'. The government cannot define what truth is and then give ACMA the powers to enforce online digital platforms to allow only government-defined truth to appear online.

I believe it is a worrying breach of privacy that the draft Bill gives ACMA excessive powers to require online digital platforms to provide information and evidence about 'misinformation and disinformation'. In addition, the penalties proposed within the draft Bill for failing to comply with the misinformation codes and standards and for failing to provide evidence requested to ACMA are too far too severe!

Online digital platforms have existed now for decades. The ability for anyone to create and share false, offensive or even dangerous information online has also existed for decades and reasonable measures have already been in place to combat such threats. Why is 'misinformation and disinformation' only now considered to be such a threat?

How do we know that future governments with an agenda might not seriously misuse the powers proposed in this draft Bill? The powers proposed in the Bill could require online digital platforms to censor all information that disagrees with the agenda, ideologies or political messages of such future governments. The free speech of all Australians must be protected to ensure that no future governments could ever have such totalitarian powers!

Censorship such as is proposed in this draft Bill is characteristic of dictatorships rather than democracies such as Australia. The only real reason Australians would turn to the opinions of others voiced on social media is because they have lost trust in the voice of their government. This trust cannot be restored through censorship of differing views. The government must earn this trust through enabling complete and utter transparency, and continued freedom of speech and opinion.

Rather than censor information that someone in government or bureaucracy deems to be 'misinformation or disinformation', wouldn't it be a better idea to clearly show how the information is supposedly false or harmful? Wouldn't it be better to allow peaceful debate about information that is contentious? Wouldn't it be better to acknowledge that the Australian people are intelligent and educated enough to assess the validity of information themselves, when they are given access to information and opinions from both sides of a debate? In a democracy such as Australia we should encourage debate, not stifle it!

Censorship and silencing of ideas that differ to the official stance of government will stifle innovation and growth in our nation. New ideas and innovation do not just come from government-approved 'experts', government-approved educational institutions or 'professional' media. Innovation comes from the people. Censorship of alternative ideas and opinions is a dangerous, backward step for our country.

Australians do not need politically motivated 'experts' to tell them how to think. If the government's message is truth, then it will speak for itself and need not fear competing, dissenting, or differing opinions.