

**Re: New ACMA powers to combat misinformation and disinformation
(the Communications Legislation Amendment [Combatting
Misinformation and Disinformation] Bill 2023)**

Dear Officer,

I write to express my concerns in relation to the above-named bill.

Threat to our Democracy

Along with many people in Australia, I absolutely oppose any laws which would empower ACMA or any other Australian body to restrict in any way our right to communicate freely and openly on any issue whatsoever.

Liberal democracies such as Australia rest on the principle that people have the right to hold and to freely express any beliefs that they choose. Free speech is an all-or-nothing concept; there are no gradations where it can be slightly limited. When governments start determining what can or cannot be expressed society loses its openness and freedom.

I believe that it is each person's individual choice to read, listen to or watch whatever they please without government interference. As consenting adults we are blessed with the ability to think critically. It is not the role of government or a government agency to proscribe what information we may, or may not, be exposed to. The same goes for any opinions that we may wish to express (obviously, things like incitement to violence and similar crimes should not be allowed – however legislation already exists to deal with these instances).

The most effective way to combat misinformation or disinformation is through public debate, where ideas are openly discussed and the public decides what they believe to be true. In the digital age, the internet and its platforms have become the modern town square, a space that must remain unaffected by government influence.

If the government starts dictating what can or cannot be discussed online, both publicly and privately, our democratic society would transform into an

authoritarian regime. We must tread cautiously and not allow any governing body, regardless of its intentions, to decide what topics are acceptable for discussion. This principle holds true for any genuine democracy.

Lack of Proper Definition of Key Terms

The key terms in the draft legislation are "misinformation", "disinformation" and "serious harm", and all three of these terms are so poorly defined as to be not only functionally meaningless, but open to serious abuse.

"Misinformation" is defined as "information that is false, misleading or deceptive. "Disinformation" has the same definition as misinformation, but with the added condition that "the person disseminating, or causing the dissemination of, the content intends that the content deceive another person". How would the oversight person calculate the "intention" of the person disseminating content? How will ACMA determine if the person disseminating "intends" to deceive? How will anyone be capable of discerning the intent behind any individual's decision to share a piece of content online?

"Harm" is the most problematic of the key terms. Instead of defining "harm" itself, the draft bill gives six instances of "harms", four of which constitute circular definitions - that is, they use the word "harm" to define the word "harm".

The lack of proper definitions of key terms, and lack of transparency with respect to the process of classifying mis- and disinformation, leaves open the possibility - indeed the probability - that the legislation will be weaponised against individuals or groups who hold positions contrary to government policy. The draft Bill provides no mechanism by which such weaponisation could be prevented.

The Bill contravenes a key human rights treaty

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a signatory, enshrines the following rights: "the right to hold opinions without interference" and "the right to freedom of expression;

this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

The draft Bill directly contravenes the second of these rights, by seeking to impose restrictions on the types of information that individuals can seek, receive and share, based on poorly-defined categories of potential or putative "harm". The attack on the first right is indirect; by policing the information available to Australians, government appears to be covertly seeking to influence, and even control, the opinions we hold.

In summary, this Bill represents an assault on the pillars of our democracy: the right of citizens to hold and express opinions, and to seek information from a wide diversity of sources. This draft Bill signals a dangerous turn toward totalitarianism. It is akin to the creation of a "Ministry of Truth" as per George Orwell's "1984". Australians do not need government to protect us from information; we need government to protect our human rights.

Yours Sincerely

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