

Submission to Federal Government re the Misinformation/Disinformation Bill

I am writing to urge the Federal Government not to proceed with this bill. In Australia, misinformation and disinformation have traditionally been challenged by reasoned argument or by social or market repudiation. However, this bill would give the government unprecedented powers to curb free speech according to the views of a select group of government-appointed bureaucrats. The proposed legislation also conflicts with statements made by both the UN's Universal Declaration of Human Rights and the Australian Human Rights Commission (AHRC). Firstly, the legislation contravenes the right to free speech:

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 through any media* and regardless of frontiers (UN, Article 19 – italics added).

Secondly, the AHRC made four recommendations concerning online misinformation and disinformation in their report (AHRC, 2023), which were mostly concerned with the threat to Australia's democracy through foreign interference. These recommendations are not addressed by this proposed legislation. Instead, the Australian Communications and Media Authority would be given the power to punish social media companies that permit the dissemination of what is deemed to be false information that has the potential to cause serious harm.

However, the definition of 'harm' in this context would be determined by bureaucrats and not necessarily accepted as such by the conveyers or the receivers of the alleged misinformation or disinformation. The most likely ultimate effect of this would be to enforce ideological conformity, particularly given that the government of the day and the mainstream media would be exempt from such restriction of speech.

There is a real risk that efforts to combat online misinformation and disinformation by foreign actors could be used to legitimise attempts to restrict public debate, censor unpopular opinions, and enforce ideological conformity in Australia (AHRC, 2023, p. 9).

This bill would increase the power differential between Government and the general population, whichever side of government is in power. History, most notably in the 20th century, is full of the misuse of power by totalitarian governments (including, but not limited to, both fascist and communist administrations), who were able to enforce such ideological conformity by censoring information that the public could read or hear.

I am not suggesting that our Prime Minister has any despotic tendencies; I have seen no evidence of this. However, the checks and balances that have hitherto prevented despots from ruling in Australia could very easily be undermined by the implementation of this legislation. It would become much easier for an authoritarian leader to control the people for the leader's own ends. This bill threatens to close down legitimate free speech and empower future dictators.

References

Australian Human Rights Commission (AHRC). (2023). *Inquiry into the risk posed to Australia's democracy by foreign interference through social media*.
https://humanrights.gov.au/sites/default/files/submission_to_the_senate_select_committee_on_foreign_interference_through_social_media_16_february_2023_1.pdf

United Nations (UN) (n.d.). *Universal Declaration of Human Rights*. <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2019,media%20and%20regardless%20of%20frontiers>.