

To: The Department of Infrastructure,  
Transport, Regional Development,  
Communications and the Arts  
GPO Box 594, Canberra, ACT, 2601

Re: Communications Legislation Amendment Bill 2023  
(Combatting Misinformation and Disinformation)

## SUBMISSION

Misinformation and disinformation should not be combatted via the threat of censorship or big fines. It should instead be combatted by correct information, supported by evidence, data, and reason openly debated and discussed in the public square.

This submission will focus on the most egregious elements of the exposure draft bill.

The internet, and more specifically, social media platforms are the modern-day public square, where people gather to share ideas, information, and opinions. The ability to do this freely is key to our democratic way of life. Our democratic rights will be under threat, should this bill pass.

Should this bill proceed to law, ACMA will, by default, become Australia's own version of a 'ministry of truth'. ACMA will have the **power to decide what is true and what is false**. Digital platforms will over-censor in response to threats of fines and likely inhibit the ability of the Australian people to have free and frank discussions.

The right to freedom of opinion is not absolute and carries with it special responsibilities. In general, freedom of expression must be nurtured and encouraged in a democratic nation. Citizens must be trusted and empowered to debate ideas and determine the truth for themselves..

The **vague definitions** offered in the bill make enforcement of the proposed laws inherently subjective. This will inevitably end up in the courts, to the benefit of lawyers and the powerful, but to the detriment of everyone else.

The **excluded content** for misinformation purposes includes professional news, educational institutions, and content authorised by government. There is a clear double standard in this exclusion which implies that alternate media sources and the general population are less trustworthy and more likely to spread

misinformation. Content produced for an educational institution which is accredited by a foreign government is also surprisingly exempt.

**One rule for us, another rule for them** is the impression this excluded content clause leaves. A very **Un-Australian approach to governance**.

**‘Harm’** can be a very subjective term. The definition of harm in this bill threatens speech and liberty. Harm includes ‘disruption of public order or society in Australia’, ‘harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions’, ‘harm to the health of Australians’, ‘harm to the Australian environment’, and ‘economic or financial harm to Australians, the Australian economy or a sector of the Australian economy’.

Harm is inherently subjective. **Science**, by its very nature, is **never settled**. What is harm to environment or health, may in fact turn out to be beneficial with the fullness of time. Harm can be debated, but determining the greater harm should not be left to digital ACMA and their workers. These people have no greater ability to determine fact from fiction than any other Australian does.

One potential unintended consequence of this draft legislation is that it could act as a deterrent for competition amongst digital platforms providing their services in Australia. The threat of fines up to 5% of global turnover could act as the catalyst for them to vacate our nation completely. The Australian market is not large and may not be worth the risk for large companies. Social media companies will be left with 2 clear choices. They could over-censor by setting their moderation algorithms to a sensitive level to ensure that content which ACMA deems to be inaccurate is removed, but this will likely come at the expense of much true and accurate information. Alternatively, they could choose to simply vacate our marketplace and eliminate the risk altogether.

When it comes to censorship, the government has chosen to target misinformation and disinformation. We believe there are more serious and **important issues** that they should instead focus their attention on.

**In conclusion**, this Bill has the potential to restrict free expression and freedom of speech and dissenting voices. It has the potential to result in the censorship of true information and valid expression. Words like ‘harm’, ‘misinformation’, and ‘disinformation’ have been weaponised to shut down critics of the broader ideological agenda at work in western nations, with the recent pandemic providing many examples of how the Government can and did censor any ideas that questioned their narrative. Censorship will be an inevitable outcome of this Bill and it will likely exacerbate the problem it intends to solve.

I like this quote by Dr Joseph Mercola

“At the end of the day, the so-called "problem" of misinformation and disinformation is pure nonsense. In a free society, people debate issues and bring varying viewpoints to the table. Misinformation wasn't even "a thing" before 2020. It's a completely fabricated problem, made up by the very people who seek to control the public discourse for their own aims.”