

Information Integrity Section

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

GPO Box 215

CANBERRA ACT 2601

PO Box [REDACTED]
[REDACTED]

Dear Sir,

As a citizen of Australia, I am writing to strongly oppose the proposed **Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**.

Firstly, the allegations / assumptions used to justify why these additional powers are needed are dubious, weak and not properly substantiated. In addition, the actual severity associated with the claimed harms is very vague and poorly defined.

Please Refer to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023— Fact sheet

The document claims *“Misinformation and disinformation spread via digital platform services is a major issue worldwide. The rapid spread of false, misleading and deceptive information online has resulted in a multitude of harms from disrupted public health responses to foreign interference in elections and the undermining of democratic institutions.”*

It appears to many of us, there has been deliberate attempts to prevent disclosure of potentially true and accurate information that may reflect on the serious lack of competency and good decision making of Governments worldwide.

Eg a) \$350 Million compensation now payable by Victorians due to the Victorian Government pulling out of the 2026 Commonwealth Games agreement. How the hell did Victoria win a bid then decide 14 months after the successful announcement that the Benefit (BCR) of the games was too low and thus have now pulled out? This is taxpayers money squandered.

b) the Australian Government's failed and poorly assessed \$6-8 Billion Covid Vaccination program. Are a claimed SAFE and EFFECTIVE Billion dollar Vax program, why are thousands of Australians continuing to suffer with repeated Covid infections, while proven safer drugs are ignored?.

Now the main concerns I have with this proposed Mis-information Bill, are as follows.

- I believe the Bill is a significant overreach by the Australian Government and may permanent remove freedoms to discuss and assess issues on line .

- The Bill is directly opposed and incompatible with fundamental freedoms of speech and communication under International human rights instruments such as the **UN Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**.

- Why is the Government (and paid MSM) exempt from the scope of this Bill making them totally NOT accountable for spreading mis-information, while the average Australian in contrast, who in most cases has very limited financial ability and power is heavily censored for discussing their beliefs and ideas. Ideas that may in fact prove to be correct.

All that is asked by truth seekers / honest citizens, is honest and responsible Government , who base all decisions on truthful, factual and accurate assessments. A very reasonable expectation.

- The Bill places way TOO much power in the hands of unelected bureaucrats, to silence speech in the public square, and with **NO requirement for transparency or accountability or detailed subject knowledge** on by world class medical, immunology and scientists. Noted that billionaire Bill Gates has no medical degree or training yet became the Media's go to "expert" on Immunology during Covid 19 pandemic, promoted by Australia's media. Yet his pronouncements were rarely questioned by any of Australia's CMOs or Health Ministers. **Highly disturbing.**

Neither does the Bill require that decisions made on Information censorship be informed by the best available experts in the field, in whatever field such as medical, science, defence strategy or any other discipline that the issue requires.

- The Bill includes a vague and ideological definition of "harm" which risks it being used as a weapon to shut down legitimate speech on pressing social issues. As discussed above the claimed level of harm is poorly defined and vague.

- Each individual has an individual responsibility to check and assess what they read, without high levels of 1984 type ACMA censorship that aligns with current Government policy, that may in fact not serve the people whom they supposedly represent.

- In most cases it has been proven that current Fact Checkers are simply employees of Media Organisations. They are ill equipped to assess facts and

determine the truthfulness and accuracy of information especially medical and scientific information. Eg AAP and Reuters. Australian Government Censorship has already very clearly happened in Australia over the last 3 years. Do we really need more censorship?

- The Bill lacks mechanisms and safeguards that will hold digital service providers liable for excessive and onerous policing of legitimate speech.
 - The exclusion of government-authorized content (incl Government paid MSM misinformation) from this censorship regime is hypocritical and inconsistent and will establish an asymmetry that results in one rule for government and another rule for Australians in what they can say.
 - The Bill gives ACMA excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation that is a worrying breach of individual privacy, and could well result in persecution of Christians and other minority groups.
 - The Bill does not provide a sufficient standard of accountability and oversight for misuse of censorship powers.
 - The few provisions that have been included to acknowledge the competing right to freedom of expression are **tokenistic and DO NOT satisfy the high bar** required in international law for the interference with fundamental rights of freedom of expression.
 - The severity of the penalties for failing to comply with the misinformation codes and standards, and for failing to provide evidence requested by ACMA, are **excessive**, and will provide a 'chilling effect' (if not a **DEATH BLOW**) on free speech.
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- It is highly likely under this Bill, Social Media companies will simply ban all comments that are not in alignment with Government policy, even if they are 100% true and thus neither constitute MIS or DIS INFORMATION.

In summary, I strongly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

There is

- 1) insufficient justification for the BILL's introduction,
- 2) there is ZERO MANDATE from the Australian public to support the BILL and
- 3) the Bill has MAJOR INHERENT PROBLEMS as discussed above.

In addition, the Bill is an attack on freedom of speech and is incompatible with **Australia's international human rights obligations**. It is also **out of step** with equivalent European laws. The Bill enables government bureaucrats and big tech to silence and censor speech, to a degree that is far beyond reasonable.

The Bill will give the Australian government the power **to silence religious and political speech that contradicts prevailing ideologies, the rights of parents to protect their children and political messaging** (including [REDACTED]
[REDACTED])

In addition, the Bill fails to include mechanisms, definitions and clear guidelines to protect valid expression of opinion and beliefs or to ensure that there are clear and defined limits on suppression of speech. It is dangerous AND concerning,

Yours sincerely,

Gillian Brooks

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Australia