

19 August 2023

Feedback Submission

RE: Exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

I am a married man with a wife and two young children at Primary School representing myself and my family, and have worked for 30 years in the electronic engineering and communications industry.

I am making this submission in light of the increasing intolerance to differences of opinions or beliefs I have observed in recent years in our Australian community. More and more I am hearing one side calling for the other sides words, thoughts or beliefs to be band and not allowed, instead of stating their counter argument or reasoning, and let those whom choose to hear it make up their own mind.

The idea that a government body, or any organisation for that matter, can independently determine what is misinformation or disinformation is in line with Communist or other totalitarian style governments. To put a government institutions ability to determine what is truth above the abilities of its citizens is not only an insult and elitest, but dangerous and very un-Australian.

I fear this may be the beginning for a future government to effectively eliminate any opposition. Governing parties are constantly claiming oppositions, minor parties and independents are wrong, which could be deemed misinformation or disinformation.

Other points I would like to make:

- The Bill is a significant overreach by the government.
- The Bill is inconsistent with fundamental freedoms of speech and communication under international human and political rights.
- The Bill puts too much power in the hands of unelected bureaucrats to silence speech without transparency or accountability.
- The Bill includes a vague definition of “harm”.
- The Bill does not require mechanisms that will hold digital service providers liable for excessive policing of legitimate speech.
- The exclusion of government-authorised content from this censorship regime is hypocritical, 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 that is a breach of privacy.
- 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 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 is excessive and will cause owners and private users of digital platforms to err on the side of limiting free speech.
- Can ACMA be sued if what they determine to be misinformation or disinformation is later determined not to be?

Thank you for consideration.

Regards,

Matthew White