

20/08/2023

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

Subject: Submission Against the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

I am writing to express my strong objection to the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As a librarian and information professional, I am deeply concerned about the potential implications of this bill on freedom of speech, access to information, and the potential ability of the government to censor.

As a librarian, I acknowledge the importance of addressing misinformation and disinformation in the online space, but I am deeply troubled by the vague definitions and subjective criteria outlined in the bill. The bill's attempt to strike a balance between freedom of speech and combating misinformation is inherently flawed, as fundamental rights should not be subject to such balance; rather, they should be upheld and protected.

The proposed bill empowers the Australian Communications and Media Authority (ACMA) to enforce an industry-wide "code of practice" and request records from digital platforms. While the intention may be to combat misinformation, the potential for abuse and misinterpretation is concerning. Determining what constitutes misinformation or disinformation is extremely subjective, and granting a government agency the authority to make such determinations raises serious questions about the impartiality and potential bias of those making such decisions.

In addition, the bill's definition of harm is excessively broad and open to interpretation. Labelling speech as harmful based on subjective criteria, including its impact on society, democracy, environment, and the economy, creates an environment where legitimate discourse and different opinions could be suppressed under the guise of combating 'harm'.

One of the fundamental principles of libraries is the unbiased provision of information, ensuring that individuals have the right to explore various ideas, opinions, and worldviews. The proposed legislation threatens this principle by granting excessive powers to regulatory bodies and potentially stifling access to information that might be labelled as harmful based on this vague criteria. The broad and open-to-interpretation definition of 'harm' raises the risk of suppressing legitimate discourse on issues we are facing as a society.

This proposed legislation is an attack on freedom of speech that is inconsistent with Australia's international human rights obligations, and it is out of step with equivalent European laws. The Bill enables government bureaucrats and big tech to silence and censor speech, and this goes far beyond reasonable limitation.

Furthermore, the Bill will give the government the power to silence religious and political speech that contradicts prevailing ideologies and political messaging. Its failure to include mechanisms to protect valid expressions of opinion and belief, or to ensure clear and defined limits on speech suppression, is deeply troubling.

The Bill grants the Australian Communications and Media Authority (ACMA) excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation, thereby breaching privacy rights. The lack of sufficient standards

of accountability and oversight for misuse of censorship powers is another concerning aspect of the bill.

The bill is a significant overreach by the government and is inconsistent with fundamental freedoms of speech and communication under international human rights instruments like the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights. The power vested in unelected bureaucrats to silence speech in the public square without transparency or accountability is deeply concerning.

While the bill makes tokenistic attempts to acknowledge the competing right to freedom of expression, these attempts fall short of the high bar required in international law for the interference with fundamental rights of freedom of expression.

Moreover, the potential for abuse and misinterpretation is magnified by the lack of transparent and accountable procedures for handling cases of misinformation and disinformation. Granting such overarching powers without sufficient checks and balances, undermines the fabric of our democratic society.

As a librarian, I believe that individuals can possess the capacity for critical thinking and discernment. Rather than relying on government censorship, I advocate for approaches that empower individuals to navigate information, evaluate sources, and draw informed conclusions. Libraries play an important role in providing tools and resources that foster media literacy and information literacy, enabling individuals to distinguish credible information from misinformation.

The severity of penalties outlined in the bill for non-compliance underscore the concerning nature of this proposed legislation. This Bill has the potential to create a culture of self-censorship and fear, deterring people from engaging in open discourse and expressing their opinion.

It is crucial to protect and uphold our right to free speech while simultaneously addressing the challenges posed by misinformation and disinformation. I believe that a more balanced and nuanced approach can be developed that respects individual freedoms and encourages open dialogue, without sacrificing the principles that underpin our democracy.

In conclusion, I urge the government to reconsider the approach taken in the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Libraries stand as beacons of intellectual freedom and access to information, and any legislation that jeopardizes these principles poses a grave threat to the democratic foundation of our society. I implore you to seek alternative solutions that address the challenges posed by misinformation and disinformation, without compromising our fundamental rights.

Thank you for your time and consideration.

Yours sincerely,

Sarah Doecke