

20 August, 2023.

Thank you for the opportunity to make a submission on the proposed *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023*.

I am writing as a concerned citizen. I am a retired general medical practitioner, with a bachelor of theology; I have various concerns as to how the Bill would impact the large number of people of faith in Australia who adhere to views similar to my own.

This Bill aims to remove online ‘misinformation’ and ‘disinformation’ which the government states ‘pose a threat to the safety and wellbeing of Australians, as well as our democracy, society and economy’. Certainly, there is information on digital platforms which is negative and unhelpful, to say the least. But the question is: Does this warrant a broad-reaching restriction of freedom of expression?<sup>1</sup>

Freedom of expression is one of the most important of freedoms. It impacts on other freedoms. For example, freedom of thought, conscience and religion are suppressed when it is restricted.

A number of thoughtful commentators argue that, if this Bill were passed, the impact would be simply devastating: freedom of expression in Australia would be severely curtailed.

### **What kinds of speech would the Bill restrict?**

The Bill sets out to restrict speech that is regarded as being ‘misinformation’ or ‘disinformation’ which is vaguely defined as anything that ACMA determines is false, misleading, or deceptive. Information is also to be restricted if it is likely to cause or contribute to serious harm.

This harm is also vaguely defined. It includes hatred of a group in Australian society based on ethnicity, nationality, race, gender, sexual orientation, age, religion, or physical or mental instability. It also includes harm to the Australian environment.

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<sup>1</sup> I am indebted to the information on the ACL website and to the submission by the Victorian Bar Incorporated (28/7/23) for their careful and perceptive analyses of this Bill, and I would add my support to their publications. See <https://www.acl.org.au/mis-dis-info-bill/>; <https://www.vicbar.com.au/sites/default/files/2023.07.28%20VB%20Submission%20-%20Communications%20Legislation%20Amendment%20Bill.pdf>

Many of the harms listed under Schedule 1, section 2 are vague and extremely broad (e.g. subclause (e) – ‘harm to the Australian environment’), subclause ‘(b) disruption of public order or society in Australia’ is concerning. The Bill thus includes a vague definition of harm, giving it the power to stop legitimate speech concerning social issues. The definition of this harm is extreme.

As Christians we may disagree with those with alternate views, but we can do that without hating them. Yet strong elements of our society label our simple expression of disagreement, respectfully tendered, as “hate speech.” There seems to be no way to disagree without one’s response being labeled as ‘hateful.’

From my point of view, people of faith wish to express alternative views on matters including but not limited to woke culture, gender, sexuality, and abortion.

### **The practical workings of the Bill**

If passed, the Bill will enable the Australian Communications and Media Authority (ACMA) to compel online service providers to censor online speech that it considers to be ‘harmful’. ACMA will also have the power to impose significant penalties on online service providers.

Digital platforms such as Facebook and Instagram, Google and Netflix will be required by ACMA-regulated codes and standards to monitor and remove ‘misinformation’ and ‘disinformation’.”

However, government communications are exempted from the Bill as are comedy/entertainment programmes, professional news content, and private messages.

ACL writes: ‘The exclusion of government-authorized content 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’.

Thus, the Bill creates a double standard between government and others. A view put forward by the government is not, by definition, ‘misinformation’ even though it *might be* false or misleading. Only information not *authorized* by the government can be ‘misinformation’.

The Bill would encourage service providers to take internal disciplinary action such as removing posts or suspending accounts where they deem standards to

have been breached. If the online platforms don't take such disciplinary actions, they face severe financial penalties imposed by ACMA.

*The severity of these penalties for failing to comply with the misinformation codes and standards and for failing to provide evidence requested by ACMA is excessive and will have a dire effect on free speech in Australia.*

Digital platforms will be fearful of a 'misinformation standard' being imposed by ACMA. The best way for them to avoid huge fines is to allow only information authorised by the government or not allowing debates on controversial or potentially sensitive matters. This would prove to be deeply stifling to freedom of expression.

### **Inconsistent with international human rights.**

ACL argues that 'it is an attack on freedom of speech that is inconsistent with Australia's international human rights obligations and is out of step with equivalent European laws.'

For example, Article 19 of the Universal Declaration of Human Rights states, 'Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'.

Again ACL writes, 'The Bill enables government bureaucrats and big tech to silence and censor speech that goes far beyond reasonable limitation'.

'The Bill will give government the power to silence religious and political speech that contradicts prevailing ideologies and political messaging. The Bill fails to include mechanisms to protect valid expression of opinion and belief or to ensure that there are clear and defined limits on suppression of speech'.

### **Other Problems with the Bill**

ACL writes, 'The Bill puts too much power in the hands of unelected bureaucrats to silence speech in the public square without transparency or accountability'.

The Bill does not provide sufficient oversight of digital service providers for over policing of legitimate speech or misuse of censorship.

The state (ACMA) will decide what is truth and what is not.

Ideological conformity would be enforced in Australia.

### **Conclusion**

If passed, this Bill would impose some of the most extreme and oppressive limitations on free speech in the Western world. There are no modifications of the Bill that I can see that would limit its suppression of freedom of speech. It represents a great threat to Australians. Therefore, I urge you to withdraw this freedom-stifling Bill.

Thank you for reading my submission.

It may be published if you wish.

Yours faithfully,

James Greenbury, MBBS, BTh (Hons),

