

Thankyou for the opportunity to express my views on the exposure draft Bill.

I do not support the Government's proposed legislation. It is a dramatic escalation of control over on-line communication, purportedly for a good cause (to protect individuals and society) but potentially to our detriment. It leaves the door wide open to government censorship of the sharing of ideas and shutting down of public debate. It is inappropriate over-reach by government which is contrary to Australia's status as a free nation. The right to freedom of opinion and expression (Universal Declaration of Human Rights article 19) is foundational and essential in a free society.

The impetus for this bill is the June 2021 report from ACMA, the government's industry regulator, which recommended that the government increase its (ACMA's) powers. The report was informed by research of a subjective nature at a time when the covid-19 pandemic was rife. The conclusion that online misinformation is harmful has been extrapolated from this and the recommendation to increase their own power is unashamedly a conflict of interest.

Inaccurate and biased information is ever present in the media. Fortunately, Australians have the opportunity to hear from a variety of sources and have the freedom to ask questions. Government control over what can be shared via online media is what happens in China; it does not belong in Australia. Furthermore, to suggest that government publications and official news services be exempt from regulation only confirms a totalitarian approach.

On-line misinformation has the potential to be problematic; consequently, we need to learn to be discerning and not assume that everything presented to us is accurate. ACMA's website lists tips for identifying misinformation and it would be of greater benefit to individuals and society if these were widely promoted rather than ACMA wielding heavy handed control over the digital industry to remove misinformation.

Misinformation and disinformation are easy terms to define but not easy to apply. The Bill defines misinformation as content that is false, misleading or deceptive and where the provision of that content on the service is reasonably likely to cause or contribute to serious harm. Who decides what is false? What one believes to be false will be considered true by another. Who decides what 'reasonably likely' means? An assessment considered sensible by one will be considered ill-advised by another. The interpretation of 'serious harm' is potentially broad. The examples given in the fact sheet are situations where misinformation results in existing laws being broken or warnings ignored; these are already dealt with under the Online Safety Act 2021 or the offence of Incitement. 'Serious harm' might also be used to describe the feelings that result from a perceived insult, which may in fact simply be a difference of opinion.

Misinformation is a term often used by Prime Minister Albanese when confronted by an alternate view as a means to shutting down respectful, intelligent debate. It is a method akin to bullying. It declares the other view to be false without question and to not be worth considering. The proposed bill would enable the government to shut down public debate by eliminating alternate views from online media. Tellingly, just this week PM Albanese joked in a radio interview that he would ban social media if he could.

The answer to misinformation is more information, not removal of the misinformation, lest it be found to be true after all.

