

The Honourable Catherine King, MP
Minister for Infrastructure, Transport,
Regional Development and Local Government

The Honourable Michelle Rowland, MP
Minister for Communications

The Honourable Tony Burke, MP
Minister for the Arts

Dear Mesdames and Sir,

the proposal to amend legislation to allow the ACMA new powers “to combat” misinformation and disinformation is problematic and very troubling. The expanded powers would have the potential to be used for censorship, quashing freedom of speech and limiting access to any content or opinion deemed to be not in the public interest, or “harmful”.

Who determines the definition of “misinformation” or “harmful”? The government? A bureaucratic body such as ACMA itself?

The public has a right to decide for themselves what may or may not be “misinformation”, as they always have, based on their life experience and weighed by their common sense and their intelligence. It is not the government’s role to define reality.

Existing legislation is adequate to deal with online material of a violent or illegal or abhorrent nature. New legislation that includes definitions that are vague or open to misuse is not needed or desirable.

A worrying evolution of the new legislation is presented by Attachment 1: “Graduated application of the ACMA powers”, which suggests an open-ended process with the “voluntary code framework” giving way to use of “regulatory levers” allowing the ACMA to specify industry standards to suit the needs of the government of the day. Service providers and owners of digital platforms will be the censors, anxious to avoid penalties. We have only recently learned that US platforms such as Twitter and Facebook were pressured into censoring their users’ postings over the last two years.

The proposed amendment is unnecessary and open to misuse. It facilitates censorship, suppression of free speech and control of access to information.

Yours faithfully,

Deborah Kelton