

Jonathon Hooper



20 August 2023

**SUBMISSION**  
**Communications Legislation Amendment**  
**(Combatting Misinformation and Disinformation) Bill 2023**

Thank you for the opportunity to make a submission regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Please find attached my submission.

Yours sincerely



**Jonathon Hooper**

## SUBMISSION

### Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

I have serious concerns over the scope and very nature of this Bill. Put simply, it is overreach by the government.

In this submission I identify the following concerns and issues:

1. Australia is a democracy, and our core defining values, amongst others, include *'freedom of speech, expression and religious belief'*<sup>1</sup>. We can not genuinely exercise these freedoms if government effectively controls what our speech on a digital service is allowed to contain. Obviously, there is no place for hate speech, and the government, appropriately, have existing laws and protections in place to combat hate speech. But the draft Bill goes much further than just hate speech, as it effectively silences any speech that is deemed as misinformation and disinformation by the government.
2. Under subclause 7(1) and 7(2) of the Bill, *misinformation* and *disinformation* are defined, in part, as 'content contain[ing] information that is false, misleading or deceptive'. But how and who decides 'false', 'misleading' or 'deceptive' content? Is this by elected or unelected government officials and if so, how are these people above reproach when it comes to misinformation and disinformation? How is truth decided, by which the thoughts and opinions expressed online of everyday Australians will be regulated? There are many unanswered questions which the Bill does not provide answers for.
3. I draw your attention to another alarming aspect of this Bill: exemptions made for 'professional news content' and 'authorised' government content. This leads to the obvious question of why are these two entities exempt from the very things the Bill seeks to stamp out? Does the same standard, applied to everyone else, not also apply to news media and government? History speaks volumes on incidents where news media and government have not told the truth, and disseminated, at best, misinformation. This double-standard exposes some serious hypocrisy. Furthermore, it does not bode well that a quick Google search reveals opinion polls and articles about how regularly Australian's do not trust politicians and government departments.
4. The Bill shuts down genuine, healthy discussion and debate by silencing all other arguments and opinions at odds with the government's narrative. Rather than seeking to oppress voices which are at odds with the 'approved' truth, we should be encouraging the diversity of views and opinions shared on digital platforms, which generates robust debate and ultimately (and hopefully), much improved outcomes.
5. Finally, the Bill fails to provide protections for valid expression of opinion or belief. There must be clear and defined limits on what speech is and is not acceptable, and the Bill must provide a sufficient standard of accountability and oversight for misuse of censorship powers.

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<sup>1</sup> Department of Foreign Affairs and Trade, 2023. *About Australia*. <https://www.dfat.gov.au/about-australia>

This saying exists for a reason: *do not trust everything you read or hear on the internet*. It is not the place of government to make this decision on behalf of Australians. We see the tragic fruits of these kind of oppressed societies where communist governments dictate what is true. It is our very democratic system of government and our valuing of free of speech that attracts so many people seeking asylum here. I fear this Bill is a step towards an oppressive government, which is at odds with the Australian democracy.

In conclusion, this Bill, masquerading as providing 'protection for Australians', will do little of the sort. Instead, it seeks to censor conflicting voices and opinions, stifle debate, define its own 'truth' and hypocritically, exempt professional news media and authorised government content from the same standards imposed on everyone else. And most dangerously, it takes away the freedom of speech and expression, a core value of Australian democracy.

I urge the Government to scrap this Bill as it is a blatant attack on freedom of speech.

Thank you for your time in reading my submission and I ask that the concerns I have raised on this matter be genuinely considered.