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While acknowledging the importance of addressing misinformation and disinformation, I have real concerns about the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I firmly believe that the proposed legislation, as it is currently outlines, raises many significant issues that must be considered before it is finalized and introduced in Parliament. If this is not done, it will be a strong indicator that democracy and freedom of speech in this country is no longer a real thing and will be a significant overreach by the government.

Misinformation refers to the dissemination of false or inaccurate information, often without intent to deceive. Disinformation on the other hand, involves the deliberate spread of false information to deceive and manipulate. The potential harm stemming from misinformation and disinformation is understood, as they have the potential to erode public trust, misguide decision-making and undermine societal well-being.

The proposed Bill's focus, as it is written, raises questions about potential consequences arising from censorship. As is, the Bill puts too much power in the hands of unelected bureaucrats to silence speech in the public square without transparency or accountability.

Considerations such as intellectual freedom, freedom of expression and the right of political communication are paramount in democratic societies, of which Australia prides itself on being. Any legislation intended to address misinformation must carefully consider the potential effects on these values. By curbing these freedoms and the ability of people to engage in open political discourse, this Bill will infringe upon these rights, causing considerable harm to the core pillars of our democracy.

Transparency and accountability are the foundation of a healthy functioning democracy. The access to accurate information empowers our citizens to make informed decisions. At the same time, suppression of information or manipulation of facts can lead to a plethora of censorship and misinformation. For this reason, it is paramount that any legislative efforts prioritise the preservation of democratic values, transparency of data and the integrity of information dissemination.

The current Bill fails to outline the criteria by which ACMA will determine the accuracy or misleading nature of information, as well as the assessment of intent and harm. The scope of the parameters is excessively wide and unpractical, fostering the impression that anything not endorsed by the government qualifies as misinformation or disinformation.

Effectively, this Bill seems to criminalise any content criticising government communication, irrespective of supporting evidence. This 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 potential for bias and manipulation becomes very pronounced when an entity is asked to make these determinations, potentially sacrificing objectivity in favour of political or economic agendas.

One classic example of this in recent time was throughout the course of the COVID-19 pandemic where any scepticism toward government endorsed public health messaging was promptly labelled as the dissemination of misinformation or disinformation. Unfortunately, with the passing of time, it became evident that much of the officially sanctioned government communication was itself riddled with inaccuracies and misdirection, whether by oversight or design. This ranged from the lab leak theory to mask usage, lockdowns, and the effectiveness of vaccines in stopping transmissions and infections. As such, the exclusion of government authorised 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. This reeks of a communistic nature of governing.

The few provisions that have been included to acknowledge the competing right to freedom of expression are tokenistic and do not satisfy the high bar required in international law for the interference with fundamental rights of freedom of expression.

**Universal Declaration of Human Rights, Article 19 states: -**

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

**Australian Human Rights Commission: -**

“There is a real risk that efforts to combat online misinformation and disinformation by foreign-actors could be used to legitimise attempts to restrict public debate, censor unpopular opinions and enforce ideological conformity in Australia”.

“All efforts to combat misinformation and disinformation need to be accompanied by transparency and scrutiny safeguards to ensure any limitations imposed upon freedom of expression are no greater than absolutely necessary and strictly justified.

The Bill gives ACMA excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation that is a worrying breach of privacy.

The Bill does not provide a sufficient standard of accountability and oversight for misuse of censorship powers.