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20th August 2023

SUBMISSION:

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

Dear Committee:

Below is my feedback regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Thank you for providing us with the opportunity to contribute on this critical issue and for taking the time to review our submission.

Yours sincerely,

Ian Joyner

SUBMISSION:

Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

This Bill is very concerning. The freedom of expression is a fundamental human right that underpins all free societies, and it's important in this digital age of social media that we stay vigilant to protect this freedom.

In a democracy, freedom of expression is vital.

The Bill gives a great deal of power to ACMA to force digital platforms to police 'so called' misinformation. Misinformation and disinformation are too often used as an excuse to shut down criticism and dissenting opinion online and there have been many things once labelled as misinformation that have turned out to be true.

John Stuart Mill once said: "All silencing of discussion is an assumption of infallibility."

Trying to impose big brother type censorship is the sort of thing governments do when they want to stop the truth from getting out. Giving ACMA the power to force foreign companies to censor free speech is simply a recipe for disaster. The past few years have shown us that many things declared as "fake news" one day end up being proven truthful several months down the track.

Catastrophic policy errors are best avoided by robust debate – not by censorship.

Scientific progress relies on the ability to refute the consensus.

Science ceases to function when freedom is denied.

The best way to counter misinformation is through respectful debate and history has shown that the censorship of speech has always been the beginning of authoritarianism.

Illiberal measures to control online mischief would be far more harmful than the misinformation itself.

What is 'Misinformation'?

Terms like 'misinformation', 'disinformation', 'fake news' and 'hate speech' are frequently used by critics, regulators, bureaucrats and political actors to smear ideas they don't like, and to restrict people's freedom to express those ideas. Very often, the use of such terms betrays more about the people wielding them than the speech they wish to prohibit.

A concept like 'misinformation' is unavoidably subjective. What one person regards as 'misinformation', another may deem to be a perfectly moral viewpoint, a fact of nature, or a

self-evident proposition. On countless subjects, even the line between what is fact and what is opinion is hotly debated.

Moreover, what society regards as 'misinformation' at one point in time can, within just the space of a few years, be embraced as true — or vice versa.

Thus we are faced with a most consequential question — namely, ***who gets to decide what is true versus what is 'misinformation'?*** The political party that forms government? The majority of citizens? CEOs of media conglomerates? Intergovernmental bodies like the Intergovernmental Panel on Climate Change, the World Health Organisation or the World Economic Forum?

Moreover, who informs Australians when certain ideas — new or old — cross the subjective threshold from true to mere matter of opinion to 'misinformation'?

The Australian Greens have a policy in which they explicitly state that, "Regulation of the internet is to be transparent, accountable and protective of privacy, freedom of speech and access to information." What do they mean by transparent? - That we won't know what is censored, or that there'll be free speech? I doubt they mean the latter!

Government censorship of expression of ideas is always sneaky, and controlling- no matter to whom they may delegate the responsibility!

Without answers to these questions, the Albanese Government is demanding that Australians sign a blank cheque — to surrender their freedom of speech online to unknown, unseen and undefined forces.

Australia's Commitment to Freedom of Speech

Freedom of speech is a fundamental right of every Australian.

Australia is a founding member of the United Nations and an original signatory of the Universal Declaration of Human Rights (UDHR). Article 18 of that declaration reads:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 takes this right even further:

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.

Australia's commitment to these inalienable, universally-agreed-upon human rights has not been revoked. On its website, the Department of Foreign Affairs and Trade states that:

Australia's commitment to human rights is enduring: we were an original signatory to the Universal Declaration of Human Rights in 1948. We have been a leading proponent of its consistent and comprehensive implementation.

In short, the passage of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 would put the Commonwealth of Australia in breach of its international human rights obligations and at odds with its own nation's character and values. This is a threshold Australia must not pass.

What the drafters of this bill fail to recognise is that human rights are non-negotiable. They do not belong to any government, nor are they granted by government. To quote Benjamin Franklin once more, "Freedom is not a gift bestowed upon us by other men, but a right that belongs to us by the laws of God and nature."

Freedom of speech is the birthright of every Australian. It is the role of the Commonwealth of Australia to recognise that fact and to protect the freedoms that every Australian already possesses.

The impulse to decide which speech constitutes 'misinformation' and must be censored is, at heart, totalitarian. By giving government agencies increased power over the words that Australian citizens are allowed to utter, the Albanese Government tempts tyranny. In the wise words of Thomas Jefferson, "a government big enough to give you everything you want is strong enough to take everything you have."

In a free society debate should be met with debate, not stifled by government actions designed to silence Australian citizens through threatened legal action against media and internet service providers.

Conclusion:

To conclude, this draft bill anticipates a world in which the democratic ideals that built modern Australia — such as freedom of speech and the freedom of the press — are replaced with autocratic powers that weaponise the State against its citizens.

No one has all the information at their disposal. No one has a claim to infallibility. No one has a monopoly on truth — including ACMA. And that is precisely why ACMA must not be given these proposed powers.

Everyday people should not be censored for disagreeing with the State.

The Commonwealth must continue to be held accountable by its citizens.

Freedom of speech must be preserved at all costs.

I implore you to condemn this abhorrent piece of legislation, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, to the rubbish pile of history, where it belongs.

Thank you for taking the time to consider our submission.