

Dear Misinformation Bill Review,

We wish to make a submission about the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

This bill tramples on freedom of speech by compelling big tech to silence discussion which, even unintentionally, causes “harm” to such a broad range of targets that almost anything can be construed as “harm”. This bill defines no clear standard, but instead relies upon online platforms to play it as safe-as-possible to remove whatever could be potentially be labelled “mis/disinformation” before they get fined for not doing so.

This Bill presumes that the government is the source of, and definer of truth, and empowers them to control and manipulate the flow of information.

But even a cursory look at history reveals that many ideas which were unpopular, controversial, or even universally condemned later turned out to be true! Humanity has not become infallible since then and people still make mistakes. Just recently, for example, during the pandemic, there are many instances of so-called facts which even governmental departments were later forced to back-track on.

The Bill empowers the Australian Communications and Media Authority (ACMA), an entirely unelected body, to determine what qualifies as “misinformation” or “disinformation”. This subjective definition clearly leaves room for abuse of power by the ACMA, and suppresses public debate and diverse opinions and perspectives.

The Bill effectively compels tech companies to become tools of government censorship, stifling free speech and undermining the open exchange of ideas.

The Bill paves the way for ideological conformity, suppressing dissenting voices and hindering independent thought. This goes entirely against the principles of a democratic society that thrives on diversity and freedom of expression.

It should be clear that this bill is lacking sufficient clarity and accountability as well as safeguards against the misuse of censorship powers. Moreover, the exclusion of government-authorized content from this censorship regime is hypocritical and inconsistent and will establish one standard for government and another standard for ordinary Australians in terms of what each can say.

We urge the government to withdraw this Bill and uphold the fundamental rights of every Australian citizen as stated in the Universal Declaration of Human Rights – 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.

Anything less will cause serious, detrimental, implications for free speech and democracy in Australia. We urge the Australian government to uphold the principles of transparency and accountability, and foster an environment where open debate and diverse opinions are welcome.

We therefore encourage the Department to instead explore alternative approaches which focus on empowering individuals with critical thinking skills. Education and awareness campaigns, not heavy-handed regulation which infringes upon fundamental freedoms, should be favoured if we wish to preserve any semblance of democracy.

Yours sincerely,

████████████████████

████████████████████  
████████████████████  
████████████████████