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

Thank-you for the opportunity to make a submission on this draft bill.

Please find attached my submission.

There are several points I would like to make with reference to this draft Bill:

1. One of the proposed powers is “allow the Australian Communications and Media Authority (ACMA) to create and enforce an industry standard (a stronger form of regulation), should a code of practice be deemed ineffective in combatting misinformation and disinformation on digital platforms” and then in the briefing documents it says “The ACMA will not have the power to request specific content or posts be removed from digital platform services”. There is an inconsistency here that is not backed up by the draft bill as within the bill the following intent is stated “empower the ACMA to compel online service providers to censor online speech that it considers to be ‘harmful’!
2. Definitions of “harm” within the Bill are listed below and include any of the following:
 - (a) hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;
 - (b) disruption of public order or society in Australia;
 - (c) harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions;
 - (d) harm to the health of Australians;
 - (e) harm to the Australian environment;
 - (f) economic or financial harm to Australians, the Australian economy or a sector of the Australian economy

The question is how do you define “harm”? I may hold a different view about gender definitions for example and if I express this it could be interpreted as “harm” and even “hatred” yet I can hold that view and show no malice towards those who hold to a different definition. In fact stemming from my world view I can love them, but the problem is that our society has become so confused that when people hold a different conviction from what is peddled as the only “acceptable” view the only response is to silence them. Herein lies the danger of this draft Bill and it will only be used to silence what should be open debate in a democracy. In fact, the draft bill 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 bill as

presently drafted does not satisfy the requirement for free speech and requires more safeguards and clear definitions of how “hatred” will be interpreted. It should not be supported as is.

Yours sincerely

Signature

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