

# SUBMISSION

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

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2 August 2023

I am extremely concerned by the threats to democracy that the current draft of the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* (“the Bill”) poses to this country and I submit that it should be withdrawn.

### Who gets to define “false, misleading or deceptive”?

The terms “Misinformation” and “Disinformation” have entered our lexicon in only the last few years with the advent of alternative information sources to mainstream media. With the proliferation of information sources, the public can find and share content that has not been thoroughly fact checked. While this can cause confusion, the government needs to be cautioned away from suppressing information and encouraged to build trust with its populace by facilitating open discussion on contentious and complicated issues.

Democracy is founded on the principles of free and open debate between society’s stakeholders: the government, all sides of the political arena, the full spectrum of independent and state owned media, academia, industry experts and of course the general public.

Decisions about what is true and accurate cannot be made purely within government and then dictated to the populace without a process of negotiation to hone our understanding of all information sources. With free and frank discussion, we can arrive at a consensus of understanding and collectively agree to it. Without this process, we find ourselves in a dictatorship.

### Where are the real “safety” issues?

As with the so-called “Twitter files” in the US, a FOI request by Senator Alex Antic has revealed that Australian government agencies have already been found to apply pressure 4000+ times for the suppression of content that disagreed with government policies. Importantly, some of these policies have since been found to be based on information that

contradicts a Cochrane review of research. Information of this calibre deserved full and frank review by all experts.<sup>1</sup>

If, instead, the government had engaged with all perspectives on these issues, we would not be forced to comply with non-evidence based policies. I contend that policies formed in this way, place a far greater risk to our safety as they are applied to all people with the full force of government power to impose them, not just the few who happen to read non-evidence based content from independent sources.

## Even inadvertent sharing of information that doesn't align with government policy will be unlawful

A most worrying aspect of this legislation is that it includes penalties for the sharing of "misinformation", i.e., the unintentional sharing of information that the government doesn't agree with.

This will completely put an end to any of the open discussion required for democracy.

Democracy is already under serious threat in this country, with lobbyists lining the walls of parliament house at a rate of more than two for every MP. Our Prime Minister's diary is kept secret. Global corporate influences have reached unprecedented levels in recent decades with free trade agreements that give corporations carte blanche to extract income here however they want. These same agreements enable foreign IT services and platforms to collect and monitor data from the Australian public for their own gain. Our ability to participate is restricted to just one main process - one election every 3 to 4 years, and the occasional impotent opportunity to make one's opinion known, such as this one.

## This legislation will require increased surveillance

However, as erosions to democracy have increased over recent decades, this Bill is very much in keeping with continuing the trend of increased control, secrecy and centralisation of power by governments.

Enabling "the ACMA to gather information from digital platform providers" will necessitate more surveillance, forcing us into an inhumane panopticon. While "ACMA will not have the power to request specific content or posts be removed from digital platform services", this will not matter as the providers will be faced with stronger enforcement to have the surveillance done for them.

## The need to restore democracy

The "safety" this Bill is seeking distorts the meaning held by individual citizens. Greater surveillance and reduced personal privacy will not make me feel safer. Existing in a panopticon does not engender a sense of safety.

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<sup>1</sup> <https://networkaffects.substack.com/p/twitter-files-extra-the-covid-censorship>

Even engaging in this process gives me some apprehension about what this could mean for my future safety. As respectful of the process as I'm being here, I am still sticking my head above the parapet and marking myself for future government surveillance.

This is not what a citizen in open and free democracy should feel. Yet I am doing it because I do not want to look back and tell my children that I did nothing at this crucial point in history.

The intention of democracy is to provide the environment where the will of the people is freely expressed. This is not achievable in a surveillance state that dispenses with fundamental human rights.

I remind the government of the UN General Assembly on Human Rights' 2002 declaration of these essential elements of democracy<sup>2</sup>:

- *Respect for human rights and fundamental freedoms*
- *Freedom of association*
- *Freedom of expression and opinion*
- *Access to power and its exercise in accordance with the rule of law*
- *The holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people*
- *A pluralistic system of political parties and organizations*
- *The separation of powers*
- *The independence of the judiciary*
- *Transparency and accountability in public administration*
- *Free, independent and pluralistic media*

Democracy is indeed teetering on the edge of an abyss in Australia, and this legislation would mark the final nail in the coffin.

Please withdraw this Bill as a matter of highest priority.

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<sup>2</sup> <https://www.un.org/en/global-issues/democracy>