

Dear Sir/Madam,

I am writing to express my grave concern about the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I am concerned that this bill will seriously limit free speech in Australia. Free speech is an important element of liberal democracy because we don't all agree on what is true or best. This is normal.

In order to enforce a law limiting misinformation or disinformation, a government or industry body must be appointed to decide what is and isn't misinformation or disinformation, that is, what is and isn't "true".

This is incompatible with the existence of free speech in a liberal democracy, where people have many competing viewpoints and opinions on the most significant and fundamental aspects of human life and society. To police information in the way the bill proposes will be to ensure that the only acceptable "truth" is that which is approved by the government, or by government approved bodies (who may risk losing their accreditation if their views are in conflict with the government's).

By way of example, as a Christian, I believe that marriage is an exclusive, life-long relationship between a man and a woman. My reasons for believing this are considered, and have their roots in religious belief, historical tradition, and biology. This is not a "private" view, in the sense that it has no bearing on public life; it is a view that informs the way I act and speak in public.

As the same-sex marriage referendum showed, most Australians do not share this view, and ofcourse the notion that two men or two women can be married is now enshrined in law. I respect the law, and fully acknowledge that marriage law now includes same-sex relationships. But I fundamentally disagree with the change that was made to the historical definition of marriage to make this inclusion.

If I express this view online, what provision in the bill would protect my speech? What would prevent my view expressed online as being anything other than mis/disinformation and/or causing "serious harm"?

Though just twenty years ago, the Australian public held the same view on marriage being male-female, almost to a person; now that view is held by a minority of citizens. This bill would make it impossible to even express that view online, as industry is forced to make policy and enforce it, on pain of prosecution.

Another example is my view that all human beings are sinful and in need of salvation through the Lord Jesus Christ. Most Australians don't believe this. They must not be forced to believe it, and must be free to disagree. But what protection is there in this bill that ensures I can express this view freely online without a company being required to remove it, either because of their own policy on mis/disinformation or ACMA's policy? Again, this is not an incidental view; I am required by my deepest convictions to share this view about humans and Jesus Christ. On my reading, the protections in the bill are simply not robust enough to protect this speech.

The result of this bill passing into law would be that only a government-approved narrative on a given issue would be permissible. So many contemporary issues require serious, thoughtful, open debate: the nature of climate change, COVID responses including mask mandates and school closures, gender identity issues, to name just a few.

We have recent evidence that governments have suppressed even genuinely accurate information because it didn't serve their purposes. In the United States, the National Institutes of Health colluded with social media companies to squash true information about potential vaccine injury, in order to increase the population's willingness to take COVID vaccines. I am fully vaccinated and have no in principle opposition to vaccines, but I want to make decisions about my health on the basis of the truth, and not a narrative that has been managed by people who don't think I should have the full picture.

We must not become a country where a government or industry appointed body decides the right answer on these issues and

prevents alternate views from being expressed.

The answer to mis/disinformation is not suppression of information. It's more information. Our community has low trust in government anyway, particularly in the wake of the COVID response (and perhaps especially in Canterbury-Bankstown). This will only serve to erode that trust further. The way to build it is transparency, the expression of clear and accurate information, and a commitment to respecting the citizens of this country enough to allow them to make up their own minds.

Sincerely,

Rev. Ben Bathgate

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Ben Bathgate

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