

## Submission in opposition to the proposed Bill granting new powers to the ACMA (Combatting Misinformation & Disinformation Bill 2023)

Please find below my submission voicing my complete opposition to the proposed bill.

The Issue: The basic right of a democratic society is for discussion on every issue within a country to be explored before any Government policy or social agenda is implemented. Every side of politics & society in general must have the ability & platform to put forward any thoughts (even if it is in opposition to the incumbent Government). For a government to have the power to eradicate any opposing or inconveniently alternative view to its own has no place in a democratic country such as Australia. Giving the absolute control to an unelected bureaucratic body (ACMA) to decide what is “misinformation” or “disinformation” (whatever that means) means that information valuable to assisting the public in forming their opinion, can be blocked from any public forum.

In summary, find below dot points highlighting just some of the factors that must see this bill rejected absolutely.

- The Bill is a significant overreach by the government.
- The 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 puts too much power in the hands of unelected bureaucrats to silence speech in the public square without transparency or accountability.
- The Bill includes a vague and ideological definition of “harm” which risks it being weaponised to shut down legitimate speech on pressing social issues.
- The Bill does not require mechanisms that will hold digital service providers liable for excessive and onerous policing of legitimate speech.
- The exclusion of government-authorized content from this censorship regime is hypocritical and inconsistent and will establish an asymmetry that results in one rule for government and another rule for Australians in what they can say.
- The Bill gives ACMA excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation that is a worrying breach of privacy.
- The Bill does not provide a sufficient standard of accountability and oversight for misuse of censorship powers.
- The few provisions that have been included to acknowledge the competing right to freedom of expression are tokenistic and do not satisfy the high bar required in international law for the interference with fundamental rights of freedom of expression.
- The severity of the penalties for failing to comply with the misinformation codes and standards and for failing to provide evidence requested by ACMA is excessive and will provide a ‘chilling effect’ on free speech.