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The Department of Infrastructure,  
Transport and Regional Development,  
Communications and the Arts,  
GPO Box 594  
Canberra ACT 2601

14<sup>th</sup> August 2023

To Whom It May Concern,

**Re: Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023**

I am writing to express my strong objection to the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. I believe that this bill, in its current form, poses a significant threat to freedom of expression, open debate, and the principles of democracy in Australia.

The bill's broad and open-ended definitions of misinformation and disinformation, along with its potential for granting excessive power to the Australian Communications and Media Authority (ACMA), raises serious concerns about government overreach and censorship. Any power to regulate and monitor online content should be exercised judiciously, ideally as a last resort, and with the utmost respect for individual rights and civil liberties. This regulation should also be completely transparent and open to public oversight.

The ability for citizens to engage in open discussions, express a variety of viewpoints, and participate in conversations and debates on all matters is a fundamental pillar of democracy. It is important to recognise that the traditional forums for these activities, the town halls, clubs, community centres and Speakers' Corners of the 19<sup>th</sup> and 20<sup>th</sup> centuries, have now largely been replaced by online communication forums and social media platforms. By allowing the ACMA to determine what constitutes "harmful online misinformation and disinformation", this proposed legislation could inadvertently stifle free expression and discourage individuals from sharing their perspectives, thereby compromising the very essence of democracy.

Furthermore, the bill's provisions that impose heavy penalties on digital platform services for non-compliance risks placing unwarranted burdens on these platforms, potentially leading to excessive self-censorship in an effort to avoid punitive measures. This could have a detrimental effect on the free exchange of ideas and information, as platforms may be more inclined to err on the side of caution and censor content and individual voices rather than risk potential financial penalties.

Additionally, the bill's specific exclusion of content authorised by the government, or produced by professional news organisations and educational institutions, raises concerns about the potential for bias and the unequal treatment of different sources of information. By granting preferential treatment to government-approved content, this legislation creates a situation where certain perspectives and narratives are privileged over others. An environment where

independent voices, citizen journalists, and community-led initiatives are disproportionately affected or silenced threatens the very diversity of thought and viewpoints that are essential to a democracy. This ironically has the potential to foster the proliferation of *more* misinformation and disinformation, as contentious issues published by these excluded sources cannot be fairly challenged or debated.

By example, the tumultuous global events of the past three years have revealed that many narratives promoted as indisputable fact by the government and media were ultimately proven to be false. Likewise, many facts dismissed and censored as misinformation were subsequently proven to be true. It is essential that such suppression of opposing viewpoints is not permitted in the future, no matter how noble the cause.

It is crucial that any measures taken to address misinformation and disinformation are applied consistently and fairly across all sources of information, regardless of their affiliations or origins. The exclusion of privileged sources from the regulatory framework may also lead to questions about transparency, accountability, and the potential for abuse of power. Should this bill proceed, these exclusions should be removed to create a level playing field and ensure that the public is provided with a truly diverse range of perspectives, without certain viewpoints being favoured.

This proposed framework to filter misinformation and disinformation online also suffers from the fundamental problem that no central authority can ever truly serve as an impartial and effective arbiter of truth. The very nature of truth is dynamic, influenced by biases, subjectivity, as well as social, cultural, and individual contexts. Furthermore, the definition of “truth” tends to evolve over time with the emergence of new information and understanding. It is simply not feasible for online platform providers to censor misinformation without destroying free speech and individual expression in the process.

I therefore urge the government to consider alternative approaches to addressing this issue. Prioritise educating the public, promoting media literacy, and fostering critical thinking skills that empower individuals to discern for themselves reliable sources of information from unreliable ones. It is far better to have open debate about contentious topics than prevent opposing voices from ever being heard in the first place.

Thank you for considering my objection to this proposed legislation. I sincerely hope the government will recognise the dangerous overreach embodied in this legislation and the hazards it presents to free speech and democracy in Australia. I kindly urge to you abandon this bill in its current form.

Yours sincerely,

Scott McNab