

I wish to put forward this submission in relation to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I see no point in this proposed legislation given the vagueness and broadness of scope. I believe that there are other options that should be investigated more thoroughly which in my opinion would create a more favourable policy.

We have the ability to think and speak for ourselves and freedom of speech is a fundamental right under Common Law. I refer you to Australian Law Reform Commission website which states this fact. Refer to Points 2.1, 2.3, 2.4, 2.5.

<https://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-ip-46/2-freedom-of-speech/a-common-law-right/>

This same page goes further to include the importance of political discourse not only between the elected officials and the electorate but between individuals, groups and other bodies in the community. Ref Point 2.6

If you take this proposed Bill and compare it to our International treaty obligations in relation to Human Rights you will note that it is incompatible.

<https://www.alrc.gov.au/inquiry/anti-discrimination-laws/>

Quote "Under treaties that it has signed, Australia has obligations to respect and protect human rights including rights to non-discrimination and equality, freedom of thought, conscience and religion, life, privacy, freedom of expression, freedom of association, work, education, cultural rights, and children's rights."

My concern with this Bill is that it will allow the government to arbitrarily restrict and potentially even silence free speech (by coercing outside/third parties with penalties) that may be seen to contradict certain ideologies, political thought and even restrict research into truth. I do not see any controls in place to protect valid expressions of opinion, nor any controls to protect and allow for those who would seek to find differing or alternative views in order to establish a more complete or a balanced understanding through various digital sources.

In terms of accountability, where are the mechanisms to allow those who have been affected (by having their content censored) be able to have their grievances heard? Given that this Bill would be monitored and policed by overseas third party digital providers I would expect that a broad based self determined censorship policy (by these providers) could simply be enforced in order to maintain profitability and minimise any accountability.

I understand the desire to protect our national interests from foreign actors and platforms, but this should not be at the expense of overall freedoms within our Constitution and Common Law rights. I would argue that these foreign entities would simply ignore this Bill thus you could end up affecting and penalising those who you wished to protect.

In order for our freedoms to be maintained and those outlined in the treaties to be upheld, censorship needs to be replaced by transparency with full accountability being determined within our shores.