

Attachments:

[BBR Cover Letter 27.06.2023.pdf](#); [Ben Blackburn Racing public submission on the Australian Government's draft framework on establishing new powers to combat online misinformation and disinformation 27.06.2023.pdf](#);

Tuesday, 27th June 2023

Draft framework on new regulatory powers to combat online misinformation and disinformation

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

GPO Box 594

Canberra ACT 2601

To whom it may concern,

Please see attached our Ben Blackburn Racing public submission. All submissions are sought to be received by Sunday 6th August 2023.

Yes. We also give permission for it to be fully published online in full with all the other public submissions.

Thank you very much for your assistance.

Kind regards,

Ben Blackburn
Managing Director
Ben Blackburn Racing

BBR Cover Letter 27.06.2023.pdf



Tuesday, 27th June 2023

Draft framework on new powers to combat misinformation and disinformation

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

GPO Box 594

Canberra ACT 2601

Emailed to: information.integrity@infrastructure.gov.au

To whom it may concern,

We are extremely pleased to provide this public submission in response to the Australian Government's release of its exposure draft of the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* and draft regulatory framework for public consultation.

We note that community feedback and all submissions on this public discussion paper are sought to be received by Sunday 6th August 2023.

In January 2023, the Minister for Communications announced that the Australian Government would introduce new laws to provide the independent regulator, the Australian Communications and Media Authority (ACMA), with new powers to combat online misinformation and disinformation.

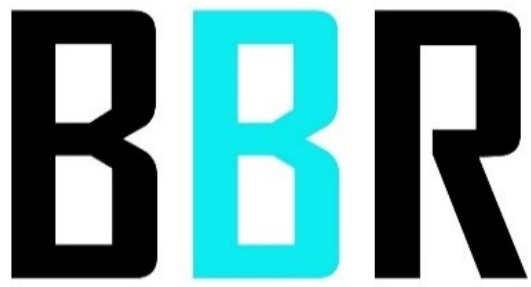
Thank you very much for taking the time to read and consider this correspondence and our BBR public submission on the draft legislation and the draft framework.

We look forward to your reply.

Kind regards,

Mr Ben Blackburn
Managing Director
Ben Blackburn Racing
Postal address: Unit 5/8 Meroo Road
Bomaderry NSW 2541

Ben Blackburn Racing public submission on the Australian Government's draft framework on establishing new



**Ben Blackburn Racing submission
on the Australian Government's
draft framework on establishing
new powers to combat online
misinformation and disinformation**



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To whom it may concern,

PUBLIC SUBMISSION

We are extremely pleased to provide this public submission in response to the Australian Government's release of its exposure draft of the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* and draft regulatory framework for public consultation.

We note that community feedback and all submissions on this public discussion paper are sought to be received by Sunday 6th August 2023.

In January 2023, the Minister for Communications announced that the Australian Government would introduce new laws to provide the independent regulator, the Australian Communications and Media Authority (ACMA), with new powers to combat online misinformation and disinformation.

The new powers will enable the ACMA to monitor efforts and require digital platforms to do more, placing Australia at the forefront in tackling harmful online misinformation and disinformation, while balancing freedom of speech.

The proposed powers would:

- Enable the ACMA to gather information from digital platform providers, or require them to keep certain records about matters regarding misinformation and disinformation.
- Enable the ACMA to request industry develop a code of practice covering measures to combat misinformation and disinformation on digital platforms, which the ACMA could register and enforce.
- Allow the ACMA to create and enforce an industry standard (a stronger form of regulation), should a code of practice be deemed ineffective in combatting misinformation and disinformation on digital platforms.

The ACMA will not have the power to request specific content or posts be removed from digital platform services.

The ACMA powers will strengthen and support the existing voluntary framework established by the Australian Code of Practice on Disinformation and Misinformation (the voluntary code) and will extend to non-signatories of the voluntary code.

Policy concerns in relation to government overreach

The Shadow Communications Minister David Coleman MP said it was a “complex area of policy and encouraged the government to avoid overreach”.

The public will want to know a lot more information about exactly which ‘experts’ will decide whether or not a particular piece of content is ‘misinformation’ or ‘disinformation’.

The significant penalties associated with this legislation potentially places substantial power in the hands of government and departmental officials which raises a number of legitimate policy concerns.

Protecting freedom of speech

Freedom of speech is an essential aspect of the rule of law and ensures there is proper accountability and transparency in government decision making.

Ben Blackburn Racing strongly believes that all Australians must be free to express their opinion about the content of laws and regulations regardless of political affiliation along with the decisions of governments, Ministers, departments and agencies – otherwise proper accountability and transparency and proper oversight of policy and regulatory decisions is greatly impacted and reduced.

The Australian Human Rights Commission also emphasises that freedom of expression and opinion are the foundation stone for a free and democratic society and a necessary condition for the promotion and protection of human rights.

The UN General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) on 16th December 1966 which also covers freedom of expression and opinion.

ICCPR Article 19 states:

- 1. Everyone shall have the right to hold opinions without interference.**
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.**

In 2000, freedom of expression was enshrined as a fundamental right in Article 11 of the Charter of Fundamental Rights of the European Union:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

The freedom and pluralism of the media shall be respected.

For Australian democracy to function, citizens need to be able to speak freely and openly online about how they would like to be governed and be free to criticise any policy decision made by those who are in power including governments and Ministers.

This constant exchange of ideas and opinions isn't just an optional extra when it is politically expedient for politicians to do so, rather it is an ongoing and fundamental pillar of freedom of speech in a democratic system of government which Australia has in place.

It is indeed a complex policy area as several multifaceted issues overlap – freedom of speech – freedom of expression – cybersecurity – national security – privacy concerns – electoral integrity – media and advertising standards – government accountability and transparency – and media literacy.

Any effective regulatory framework and response by the Australian Government needs to carefully balance the fundamental pillars of freedom of speech and freedom of expression against keeping Australians safe online.

Thank you very much for the opportunity to make a contribution through this public submission on the Australian Government's exposure draft of the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* and the draft regulatory framework as outlined in the Guidance Note dated June 2023.

Mr Ben Blackburn
Managing Director
Ben Blackburn Racing